

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

APRIL 20, 2009

CONVENING AT 7:30 P.M.

**Submitted By
The Acting City Manager**

NOTICE: Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at clerk@troymt.gov at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, Acting City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your Agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible amendment and adoption.

Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

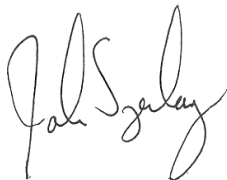
Identified below are outcome statements for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

Outcome Statements

- I. Troy enhances the health and safety of the community
- II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues
- III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world

As always, we are happy to provide such added information as your deliberations may require.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Szerlag". The signature is fluid and cursive, with the first name "John" and last name "Szerlag" clearly distinguishable.

John Szerlag, Acting City Manager



CITY COUNCIL

AGENDA

April 20, 2009 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Father John J Mech – St. Anastasia Catholic Church 1

ROLL CALL 1

CERTIFICATES OF RECOGNITION: 1

- A-1 Presentations: 1
- a) On behalf of the City of Troy Employees' *Casual for a Cause* Program (January/February), Community Affairs Director Cindy Stewart will present a check in the amount of \$1330.75 to Cindy Corey, Associate Development Director for Forgotten Harvest 1
 - b) *White Cane Week* – April 24-May 3, 2009 1
 - c) National Association of Letter Carriers *Stamp Out Hunger Food Drive Day* – May 9, 2009..... 1

CARRYOVER ITEMS: 1

B-1 No Carryover Items 1

PUBLIC HEARINGS: 1

C-1 No Public Hearings 1

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Father John J Mech – St. Anastasia Catholic Church

ROLL CALL

- (a) Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Wade Fleming
Mayor Pro Tem Martin Howrylak
Mary Kerwin
- (b) Excuse Absent Council Members

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) On behalf of the City of Troy Employees' *Casual for a Cause* Program (January/February), Community Affairs Director Cindy Stewart will present a check in the amount of \$1330.75 to Cindy Corey, Associate Development Director for Forgotten Harvest
- b) *White Cane Week* – April 24-May 3, 2009
- c) National Association of Letter Carriers *Stamp Out Hunger Food Drive Day* – May 9, 2009

CARRYOVER ITEMS:

- B-1** No Carryover Items

PUBLIC HEARINGS:

- C-1** No Public Hearings

POSTPONED ITEMS:

- D-1** No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

Public comment limited to items not on the Agenda in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.

REGULAR BUSINESS:

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 10“E” of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

NOTE: Any item selected by the public for comment from the Regular Business Agenda shall be moved forward before other items on the regular business portion of the agenda have been heard. Public comment on Regular Agenda Items will be permitted under Agenda Item 10 “E”.

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: Board of Zoning Appeals; Parks & Recreation Board; and Personnel Board

The following Boards and Committees have expiring terms and/or vacancies. Bold black lines indicate the number of appointments required:

The appointment of new members to all of the listed Board and Committee vacancies will require only one motion and vote by City Council. Council members submit nominations for appointment at the meeting prior to consideration. Whenever the number of submitted names exceeds the number of vacancies, a separate motion and roll call vote will be required to confirm the nominee receiving the greatest number of votes in the Council polling process (current process of appointing). Remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda for consideration.

(a) **Mayoral Appointments – None Scheduled**

(b) **City Council Appointments**

Suggested Resolution

Resolution #2009-04-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPOINTS** the following persons to serve on the Boards and Committees as indicated:

Board of Zoning Appeals

Appointed by Council (7-Regular) - 3 Year Terms

Glenn Clark

Term Expires 04/30/2012

Parks & Recreation Board

Appointed by Council (7-Regular) -3- Year Terms; 1-Troy School Board; 1-Troy Daze; & 1-Adv. Committee for Sr. Citizens: 1-Year Terms

JoAnn Thompson - **Sr. Adv. Comm. Rep.**

Term Expires 04/30/2010

Personnel Board

Appointed by Council (5-Regular) - 3-Year Terms

Albert T. Nelson, Jr

Term Expires 04/30/2012

Yes:

No:

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None Scheduled (b) City Council Nominations: Historic District Commission; Historic District Study Committee; and Personnel Board

The following Boards and Committees have expiring terms and/or vacancies. Bold black lines indicate the number of appointments required:

The nomination of applicants to the following listed Board and Committee vacancies will be moved forward to the next Regular City Council Meeting for consideration of appointment.

(a) Mayoral Nominations – None Scheduled

(b) City Council Nominations

Suggested Resolution

Resolution #2009-04

Moved by

Seconded by

RESOLVED, That the Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Historic District Commission

Appointed by Council (7-Regular) - 3-Year Terms

Term Expires 05/15/2012

Term Expires 05/15/2012

Historic District Study Committee

Appointed by Council (7-Regular) Ad Hoc; (2) Historic District Commission; (1) Local Historic Preservation Organization

Ad Hoc

Personnel Board

Appointed by Council (5-Regular) - 3-Year Terms

Term Expires 04/30/2012

Yes:

No:

E-3 Chapter 60 – Fees and Bonds Required – Police Department Records Section Service Fees

Suggested Resolution

Resolution #2009-04-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 60, Fees and Bonds Required of the Troy City Code, Section 60.04, Fee Schedule, Police Department Records Section Service Fees, as prepared by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes

No:

E-4 Bid Waiver – Sole Source Service – FireService Management

Suggested Resolution

Resolution #2009-04-

Moved by

Seconded by

WHEREAS, FireService Management is the sole known local service provider for cleaning and repair of turn-out gear – protective clothing for the City's firefighters;

WHEREAS, Before FireService Management can make an evaluation or repair, the clothing must be professionally cleaned to remove potential carcinogens; and

WHEREAS, It is desirable that in order to extend the life and service of the Fire Department's protective clothing, it is in the City's and firefighters best interest to clean and repair turn-out gear and replace when beyond their useful life of ten years;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **AUTHORIZES** the City of Troy to enter into a contract with FireService Management of Southfield, MI, for cleaning and repair of turn-out gear – protective clothing in an amount not-to-exceed \$20,000.00 each year.

Yes:

No:

CONSENT AGENDA:

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item 12 "F".

F-1a Approval of "F" Items NOT Removed for Discussion

Suggested Resolution

Resolution #2009-04-

Moved by

Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item(s) _____, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes:

No:

F-1b Address of "F" Items Removed for Discussion by City Council and/or the Public

F-2 Approval of City Council Minutes

Suggested Resolution

Resolution #2009-04-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of April 6, 2009 as submitted.

F-3 Proposed City of Troy Proclamations:

Suggested Resolution

Resolution #2009-04-

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamations:

- a) *White Cane Week* – April 24-May 3, 2009
- b) National Association of Letter Carriers *Stamp Out Hunger Food Drive Day* – May 9, 2009
- c) National Child Abuse Prevention and Awareness Month – April, 2009
- d) 2009 Law Day – May 1, 2009

F-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 09-3 – Heide, Thunderbird, and Oliver Roads Water Main Replacement Project Nos. 08.503.5, 08.504.5, 08.505.5**

Suggested Resolution
Resolution #2009-04-

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 09-3, Heide, Thunderbird, and Oliver Roads Water Main Replacement to Teltow Contracting, Inc., 4678 Meldrum Road, Casco, MI 48064 at an estimated total cost of \$1,708,368.10; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required, Troy City Council hereby **AUTHORIZES** such additional work in an amount not to exceed 10% of the total project cost.

- b) **Standard Purchasing Resolution 1: Award to Low Bidders – Hauling/Disposal of Dirt and Debris**

Suggested Resolution
Resolution #2009-04-

RESOLVED, That Troy City Council hereby **AWARDS** one-year contracts to provide Hauling/Disposal of Dirt and Debris with an option to renew for one (1) additional year on an item by item basis to the low bidders after consideration was given to the discounts quoted:

Recommended Vendors	Item / Description	Price/Ton
Ahern Contracting Inc Chesterfield, MI	1) Broken concrete with and without wire, possibly mixed with fill dirt	\$4.29
Bedrock Maintenance Services Ortonville, MI	2) Broken asphalt possibly mixed with fill dirt	\$4.49
	3) Fill Dirt, material excavated from water and sewer repairs, as well as ditching operations. Material may include culverts, large stumps, logs & wood materials	(w/terms \$4.2655) \$4.49

Metropolitan Demolition, LLC Romulus, MI	4) Catch basin sludge and street sweepings - Pine Tree Acres -	\$14.50
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at unit prices confirmed in the bid tabulation opened March 13, 2009, copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring March 31, 2010; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon contractors' submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

c) Standard Purchasing Resolution 1: Award to Low Bidder – Pump Repair Services – Indoor and Outdoor Pools

Suggested Resolution
Resolution #2009-04-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all labor, tools, equipment including cranes etc., and transportation services for two-year requirements of pump repair and emergency repairs on the City of Troy outdoor and indoor pools with two one-year renewal options to the low total bidder, Pro Seal Service Group of Pontiac, MI, at unit prices contained in the bid tabulation opened February 24, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, to expire April 30, 2011; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

d) Standard Purchasing Resolution 2: Sole Bidder – Ultraviolet Chloramines Destruct and Disinfection System

Suggested Resolution
Resolution #2009-04-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all equipment, material, and labor to install, start-up, and train staff for an ultraviolet chloramines destruct and disinfection system at the Troy Community Center indoor leisure and therapy pools to the sole bidder, B & B Pools and Spas of Livonia, MI, for an estimated total project cost of \$71,240.00, for the system detailed on the bid tabulation opened March 24, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the bidder submission of proper contract and bid documents, including bonds, insurance certificates and all other specified requirements.

F-5 Casualty and Property Insurance Renewal – Request to Negotiate with the Michigan Municipal Risk Management Authority (MMRMA)

Suggested Resolution
Resolution #2009-04-

RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Manager to negotiate a new agreement with the Michigan Municipal Risk Management Authority (MMRMA) for the Casualty and Property Insurance needs of the City.

F-6 Adoption of the City of Troy Identity Theft Prevention Program in Compliance with the Fair and Accurate Credit Transaction (FACT) Act of 2003 as amended November 9, 2007

Suggested Resolution
Resolution #2009-04-

WHEREAS, Pursuant to federal law the Federal Trade Commission (FTC) regulations, adopted as 16 CFR section 681.2 require creditors, as defined by 15 U.S.C. section 1681a(r)(5) to adopt red flag policies to prevent and mitigate identity theft with respect to covered utility accounts by May 1, 2009;

WHEREAS, 15 U.S.C. section 1681a(r)(5) cites 15 U.S.C. section 1691a, which defines a creditor as someone that extends, renews or continues credit, and defines "credit" in part as the right to purchase property or services and defer payment therefore;

WHEREAS, The FTC regulations include utility companies in the definition of creditor;

WHEREAS, The City of Troy is a creditor with respect to 16 CFR section 681.2 by virtue of providing utility services or by otherwise accepting payment for municipal services in arrears;

WHEREAS, The FTC regulations define "covered account" in part as an account that a creditor provides for personal, family or household purposes that is designed to allow multiple payments or transactions and specifies that a utility account is a covered account;

WHEREAS, The FTC regulations require each creditor to adopt an Identity Theft Prevention Program which will use red flags to detect, prevent and mitigate identity theft related to information used in covered accounts; and

WHEREAS, The City provides water and sewer services for which payment is made after the product is consumed or the service has otherwise been provided which by virtue of being utility accounts are covered accounts;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADOPTS** the Identity Theft Prevention Program in compliance with the FTC regulations, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Identity Theft Prevention Program to be modified as necessary to keep up with technological advancements, and changes in operating processes and procedures.

F-7 Authorization for Request for Reimbursement – Oakland County West Nile Virus Fund

Suggested Resolution
Resolution #2009-04-

RESOLVED, That Troy City Council hereby **AUTHORIZES** the City of Troy's Parks and Recreation Department, to seek reimbursement for an amount not to exceed \$18,034.74, from the Oakland County's West Nile Virus Fund for the expenditures incurred while instituting proactive public health measures used to reduce the population of infected mosquitoes in the environment.

F-8 Request for Acceptance of Permanent Public Utility Easement – Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 – Parcel #53 – Sidwell #88-20-15-477-015 – Prashant S. Chaudhari and Purnima Chaudhari

Suggested Resolution
Resolution #2009-04-

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$3,525.00 from the Prashant S. Chaudhari and Purnima Chaudhari, owners of property having Sidwell #88-20-15-477-015; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** payment to the property owners in the amount of \$8,519.00, if the existing fence needs to be removed as part of this project; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Permanent Public Utility Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-9 Request to Temporarily Waive Parking Restrictions – Congregation Shir Tikvah

Suggested Resolution
Resolution #2009-04-

RESOLVED, That Troy City Council hereby **WAIVES** the no parking restrictions on the East side of Northfield Parkway from the parking lot entrance to Congregation Shir Tikvah to the entrance to Boulan Park, on Saturday, April 25, 2009, 7:00 PM – 11:00 PM.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Adoption of the 2009/10 Annual Budget – May 11, 2009
-

G-2 Memorandums:

- a) Update of Chapter 82 of the Troy City Code – Property Maintenance Code
b) Charter Revision Committee Recommendation of Proposed Ballot Language Proposed Amendment to Section 6.2(g) – Vacancies in Elective Office
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COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Retiree Health Care Benefits Plan & Trust/Final – January 14, 2009
b) Historic Commission/Final – January 27, 2009
c) Advisory Committee for Persons with Disabilities/Draft – February 4, 2009
d) Advisory Committee for Persons with Disabilities/Final – February 4, 2009
e) Liquor Advisory Committee/Final – February 9, 2009
f) Ethnic Issues Advisory Board/Final – February 10, 2009
g) Library Advisory Board/Final – February 12, 2009
h) Parks and Recreation Advisory Board/Final – February 19, 2009
i) Youth Council/Final – February 25, 2009
j) Advisory Committee for Senior Citizens/Final – March 5, 2009
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t) Liquor Advisory Committee/Draft – April 13, 2009
u) Ethnic Issues Advisory Board/Draft – April 14, 2009
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J-2 Department Reports:

- a) City Council Expense Report – April, 2009
- b) Building Department – Permits Issued March, 2009
- c) Risk Management – City Employees' Short-term Disability (STD), Long-term Disability (LTD), Life, and Accidental Death and Dismemberment (AD&D) Insurance Coverage

J-3 Letters of Appreciation:

- a) Letter of Thanks to Mayor and City Council from Michael Johnson in Appreciation of the Efforts of Cindy Stewart and Troy Citizens Academy Experience
- b) Letter of Thanks to Troy Police Communications Staff from Florence Steele

J-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted

J-5 Troy Youth Assistance Board Meeting February 19, 2009 – Final Minutes

J-6 Parks and Recreation Advisory Board Recommendation of Annual Budget

J-7 Correspondence from Automation Alley Coordinating Council to MDOT in Support of the Troy/Birmingham Multi-Modal Transit Center

J-8 Transmittal of Proposed Fiscal Year 2009/10 Annual Budget

J-9 Communication from City Attorney Lori Grigg Bluhm and City Clerk Tonni Bartholomew Regarding City Council Absences

J-10 Communication from Planning Director Mark Miller Regarding Council Comments Concerning the City of Sterling Heights

J-11 Communication from Parks and Recreation Director Carol Anderson Regarding Lathrup Village Time Bank

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 18 of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s)

whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

CLOSED SESSION:

L-1 Closed Session

Suggested Resolution

Resolution #2009-04-

Moved by

Seconded by

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e) – *Rome Love v. City of Troy*.

Yes:

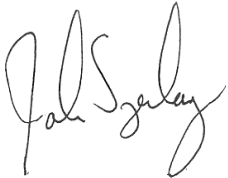
No:

RECESSED

RECONVENED

ADJOURNMENT

Respectfully submitted,



John Szerlag, Acting City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

Monday, May 11, 2009

1. Adoption of the 2009/10 Annual Budget – May 11, 2009

SCHEDULED CITY COUNCIL MEETINGS:

Monday, April 27, 2009	Special Study Session – Budget
Monday, May 4, 2009.....	Special Study Session – Budget
Monday, May 11, 2009.....	Regular City Council
Monday, May 18, 2009.....	Regular City Council
Monday, June 1, 2009.....	Regular City Council
Monday, June 15, 2009.....	Regular City Council
Monday, July 6, 2009	Regular City Council
Monday, July 20, 2009	Regular City Council

**PROCLAMATION
WHITE CANE WEEK
April 24 - May 3, 2009**

WHEREAS, The first White Cane ordinance passed in December 1930 in Peoria, Illinois, giving blind pedestrians protection and the right-of-way while carrying a white cane; and

WHEREAS, At the 1931 convention held in Toronto, the Lions Clubs International promoted the white cane as a protective device for the blind; and

WHEREAS, In 1937, Donald Shuur, a Detroit area Lion, sent a proposal to the Michigan Legislature, making the white cane a symbol to protect blind persons in Michigan. It was signed into law by Governor Frank Murphy in March 1937; and

WHEREAS, Since that time, Governors of Michigan continue to proclaim the last weekend in April through the first weekend in May as **White Cane Week**. During that week, Lions all over Michigan sell White Cane pins throughout their communities; and

WHEREAS, We applaud the newly formed **Troy Community Lions Club** for their participation in **White Cane Week**, seeking to raise awareness and money to provide goods and services to persons with disabilities, young people, civic organizations, and others in the community with special needs; and

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council does hereby proclaim **April 24 - May 3, 2009 as White Cane Week** in the City of Troy, Michigan; and

BE IT FURTHER RESOLVED, That the City Council calls upon all citizens, community agencies, organizations and businesses to encourage all citizens of Troy to help support the **Troy Community Lions Club during White Cane Week** and throughout the year.

Presented this 20th day of April 2009.

PROCLAMATION
National Association of Letter Carriers
Stamp Out Hunger Food Drive Day – May 9, 2009

WHEREAS, The National Association of Letter Carriers (NALC) in conjunction with the United States Postal Service (USPS) is sponsoring the **17th Annual NALC National Food Drive to “Stamp Out Hunger” on Saturday, May 9, 2009**; and

WHEREAS, NALC Branch 3126 in the City of Troy is participating in the National Food Drive, the largest one-day food drive in the nation; and

WHEREAS, The cost of inaction is too high, particularly in the face of many negative outcomes for our children and community which are preventable; and

WHEREAS, NALC President William H. Young encourages postal carriers and communities to work together, because as postal workers “no other people in America can possibly do what we can to fight hunger, reaching to every city and town, in every neighborhood and on every street;” and

WHEREAS, More than 1,400 local branches of the 300,000-member postal union collected a record 73.1 million pounds of food in last year’s drive for local food banks, pantries and shelters, helping families throughout the nation;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby proclaims **Saturday, May 9, 2009 as National Association of Letter Carriers “Stamp Out Hunger” Food Drive Day in the City of Troy**; and

BE IT FURTHER RESOLVED, that we invite **all Troy residents to leave non-perishable food at their mailboxes on Saturday, May 9, 2009**, to support our local letter carriers in their food drive to help alleviate hunger in our community and throughout the nation.

Signed this 20th day of April 2009.



CITY COUNCIL ACTION ITEM

Date April 3, 2009

TO: Mayor and City Council

FROM: John Szerlag, Acting City Manager
Gary G. Mayer, Acting Chief of Police

SUBJECT: Chapter 60 – Fees and Bonds Required– Police Department Records Section Service Fees

Background:

- The attached fee schedule establishes the fees collected by the Police Department Records Section for the purchase of Police records and services.
- The Police Department proposes fee changes to the current fees to reflect pay increases for those employees involved in the duplication or publication of police records, actual costs for audio and video reproduction media and consistency with fees other fees established in Chapter 60 of the Troy City Code.
- It is requested that the Police Department Records Section Service fees be incorporated into Chapter 60 of the Troy City Code, as attached.

Financial Consideration:

- The anticipated increase in revenue of approximately \$19,000, annually, is proposed to cover the increase in incurred costs, labor and supplies. The current fee structure has been in place since August 1, 2005 as shown on the attached.

Legal Consideration:

- There is no legal consideration associated with this item.

Policy Consideration:

- The increase in Police Department Records Section service fees complies with the Troy City Council's objective in rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world (Outcome Objective III).

Options:

- City Council can approve the proposed amendments.
- City Council can deny the proposed amendments.
- City Council can direct City staff to modify the proposed amendments.

Attachment:

- Chapter 60 – Fee and Bonds Required proposed amendments
- The current Records Section Service Fees, effective on August 1, 2005

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 60 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 60, Fees and Bonds Required, of the Code of the City of Troy.

Section 2. Amendment

60.04 Fee Schedule. (POLICE DEPARTMENT RECORDS SECTION FEES-EXCERPT)

POLICE RECORDS SECTION SERVICE FEES		
REPORTS		
	Labor charge-Except CAD Short Report (first 15 minutes)	\$ 7.00
	Charge for each additional 15 minute interval	\$ 7.00
	Each page, after the first 10 pages	\$ 0.32
	CAD Short Report	\$ 3.50
These fees also apply to true copies of reports as required by subpoena		
AUDIO/VIDEO TAPES		
	Labor charge (first 30 minutes)	\$ 18.00
	Charge for each additional 15 minute interval	\$ 9.00
	Plus actual mailing costs, if applicable	
Plus actual cost of tape(s), CD(s) and/or DVD(s):		
	Audio cassette tape	\$ 1.29
	VHS tape	\$ 1.84
	Compact Disc	\$ 0.40
	Digital Video Disc	\$ 0.50
LIQUOR LICENSES (Chapter 101) – Relocate this fee within Section 60.04		
	Application and investigation fee	\$1,000.00
	Application for additions or amendments to existing liquor licenses	\$ 300.00
	One-day liquor license	\$ 10.00
ALARM REGISTRATION (Chapter 88)		
	Annual permit renewal registration fee for any alarm system designed to summon emergency help	\$ 10.00
PRELIMINARY BREATH TEST ADMINISTRATION FEES		
	City of Troy residents	\$ 5.00
	Non-residents	\$ 10.00
FINGERPRINTS / CRIMINAL CLEARANCES		
	Fingerprint processing fee	\$ 14.00
	Local criminal history check/certified copy of local arrest record	\$ 18.00 ¹
	Applicant fingerprint criminal clearance fee*	\$ 14.00 ²
*Plus State of MI processing fee		

¹ This fee is for verification of applicant's information, checking the LEIN wanted persons file and criminal clearance processing, along with a certified copy of report, if necessary		
² The total fee includes a \$14.00 Troy Police Department fingerprint processing fee. It also includes a State of Michigan fingerprint processing fee. State of Michigan fees vary depending upon the reason for the applicant fingerprints.		
TAXICAB/LIMOUSINE DRIVER AND PEDDLER LICENSE CLEARANCES		
	Taxicab / Limousine driver license processing fee (Chapter 65)	\$ 24.00 ³
	Peddler license processing fee (Chapter 74)	\$ 24.00 ³
³ The fee includes \$10.00 for the clearance, plus a \$14.00 fingerprint processing fee Fees collected by City Clerk as part of application and permitting process.		

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2009.

Louise E. Schilling, Mayor

Tonni Bartholomew. City Clerk



TROY POLICE DEPARTMENT

SPECIAL ORDER

RECORDS SECTION SERVICE FEES		
Date of Issue: July 28, 2005	Effective Date: August 1, 2005	Number 2005-01
Rescinds: N/A	Revision Dates:	
Distribution: Executive Offices, Shift Commanders, Records Section, Master Books, Memo Books		

BACKGROUND

The Michigan Freedom of Information Act allows the Police Department to recover actual costs incurred in responding to FOIA requests that result in an unusually high cost to the Department. According to MCL 15.234, the fees the Department may charge in filling FOIA requests are limited to "actual mailing costs, and to the actual incremental cost of duplication or publication including labor, the cost of the search, examination, review, and the deletion and separation of exempt from nonexempt information."

The service fees established in this Special Order attempt to achieve uniformity and consistency with fees allowed by FOIA for all other requests for police records.

PROCEDURE

Department employees shall calculate FOIA request fees as established in the City of Troy's Procedures and Guidelines Regarding Freedom of Information Act and Enhanced Access to Public Record Requests.

Effective August 1, 2005, the Troy Police Department shall charge the following service fees for all other requests for police records, not made through the Freedom of Information Act.

1.1 REPORTS

Minimum charge (first 15 minute interval) (except CAD Short Report)	\$	5.25
Charge for each additional 15 minute interval	\$	5.25
Each additional page, after the first 20 pages	\$	0.05
CAD Short Report	\$	2.50
Plus actual mailing costs, if applicable		

These fees also apply to true copies of reports as required by subpoena

1.2 PHOTOGRAPHS

3" x 5"	\$	0.45
4" x 6"	\$	0.49
5" x 7"	\$	3.23
8" x 10"	\$	4.50
11" x 14"	\$	9.89

Plus any fees for minimum order, etc. charged by the photo lab, actual mailing costs, or any labor costs to process the order, if applicable¹

1.3 AUDIO/VIDEO TAPES

Minimum charge (first 30-minute interval)	\$	15.00
Charge for each additional 15 minute interval	\$	7.25
Plus actual mailing costs, if applicable		

Plus actual cost of tape(s):

Audio tape	\$	0.49
VHS tape	\$	1.38
8mm tape	\$	4.06
Compact disc & case	\$	0.46

1.4 LICENSE FEES

Public vehicle license processing fee	\$	21.00 ²
Peddlers license processing fee	\$	21.00 ³

¹ Records Clerks process photograph orders
Labor costs are calculated in 15-minute intervals at \$5.25 per interval

² This includes \$10.00 for the clearance, plus an \$11.00 fingerprint processing fee
Fees collected by City Clerk as part of application and permitting process

³ This includes \$10.00 for the clearance, plus an \$11.00 fingerprint processing fee
Fees collected by City Clerk as part of application and permitting process

1.5 LIQUOR LICENSE APPLICATION FEES

Class-C, B-Hotel, A-Hotel, Tavern, Club, SDD, SDM (new quota, transfer, resort)	\$1,000.00
Additional permit/Stock transfer requests	\$ 500.00
One-day liquor license	\$ 5.00

1.6 FINGERPRINTS/CRIMINAL CLEARANCES

Fingerprint processing fee	\$ 11.00 ⁴
Local criminal history check/ certified copy of local arrest record	\$ 15.00 ⁵
Applicant fingerprint criminal clearance fee	\$ 11.00, plus State of Michigan processing fee ⁶

1.7 ALARM REGISTRATION

Annual permit renewal registration fee for any alarm system designed to summon emergency help	\$ 10.00
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1.8 MISCELLANEOUS

Precious gems dealer applications	\$ 50.00
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Charles T. Craft
Chief of Police

⁴ Fee includes check of the LEIN wanted persons file

⁵ This fee is for verification of applicant's information, checking the LEIN wanted persons file and criminal clearance processing, along with a certified copy of report, if necessary

⁶ The total fee includes an \$11.00 Troy Police Department fingerprint processing fee. It also includes a State of Michigan fingerprint processing fee. State of Michigan fees vary depending upon the reason for the applicant fingerprints. Fees currently range between \$30-\$54.



CITY COUNCIL ACTION REPORT

April 8, 2009

TO: John Szerlag, Acting City Manager

FROM: Susan A. Leirstein, Purchasing Director
William S. Nelson, Fire Chief

SUBJECT: Bid Waiver – Sole Source Service – FireService Management

Background

- The Fire department has been utilizing the cleaning and repair services of FireService Management of Southfield, MI, to service our turn-out gear – protective clothing.
- In order to evaluate, clean and repair the City's protective clothing, the department delivers and picks up all of our protective clothing directly from FireService Management, the sole known service provider in this area.
- Before any evaluation or repairs are made, the clothing must be professionally cleaned to remove potential carcinogens.
- In order to extend the life and service of the Fire department's protective clothing, it's in the City's and firefighters' best interest to clean and repair turn-out gear and replace when beyond their useful life.
- The N.F.P.A. recommended useful life of firefighters protective clothing is ten years. By maintaining the turn-out gear in this manner, the department expects it to reach its full potential.

Financial Considerations

- Funds to provide this service are available from the Fire Operations Operating Supplies Account #101.336.338.7740.115.
- Turn-out gear is unusable if damaged, and must be repaired or replaced. Each time a repair is made and the gear is not replaced, the City saves an estimated \$1261.00. (\$139.00 to clean/repair verses \$1400.00 to replace the gear) The savings add up with 170 firefighters issued one set each.

Legal Considerations

- Formal bidding procedures are waived, as no benefit would be derived from soliciting formal bids.

Policy Considerations

- The contract will assist the Fire department in its mission to protect the Firefighters.

Options

- City management and the Fire department request authorization to continue cleaning and repairing turn-out gear - protective clothing with FireService Management of Southfield, MI, the sole known local provider, in an amount not-to-exceed \$20,000.00 per year.

Regular Meeting of the Troy City Council was held Monday, April 6, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Brother Middleton of The Church of Jesus Christ of Latter-day Saints gave the Invocation and Webelos Pack 1006 from Our Shepherd Lutheran School assisted Mayor Schilling and City Council with presenting the Pledge of Allegiance to the Flag.

ROLL CALL

Mayor Louise E. Schilling
 Robin Beltramini
 Cristina Broomfield (Absent)
 David Eisenbacher
 Wade Fleming
 Mayor Pro Tem Martin Howrylak (Absent)
 Mary Kerwin

Proposed Resolution to Excuse Mayor Pro Tem Howrylak and Council Member Broomfield

Resolution
 Moved by Eisenbacher
 Seconded by Fleming

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Howrylak and Council Member Broomfield at the Regular City Council meeting of April 6, 2009 due to being absent from the county.

Vote on Resolution to Withdraw Proposed Resolution to Excuse Mayor Pro Tem Howrylak and Council Member Broomfield

Resolution #2009-04-122
 Moved by Kerwin
 Seconded by Beltramini

RESOLVED, That Troy City Council hereby **WITHDRAWS** *Proposed Resolution to Excuse Mayor Pro Tem Howrylak and Council Member Broomfield.*

Yes: Schilling, Beltramini, Kerwin,
 No: Eisenbacher, Fleming
 Absent: Broomfield, Howrylak

MOTION CARRIED

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Mayor Louise Schilling and Community Affairs Director Cindy Stewart presented certificates to the following graduates of *Citizens Academy Class XIII*: Christine Adams,

Howard Adams, Ken Budry, Richard Coon, Chuck Floeter, Doreen Floeter, Toni Games-Williams, Ashley Gautreau, Michael Johnson, Taube Karpov, Terry Metheys-Krent, Kay Schepke, Gordon Schepke, Bill Sipila, Jeanne Stine, Dave Sysko and Arlene Wilson.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Outdoor Seating Request in Excess of 20 Seats – Pizzapapalis/Rio Wraps, 300 John R

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from the petitioner, George Krcek-Controller. There was no public comment.

Resolution #2009-04-123

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the request from Tom Stegeman, manager of Pizzapapalis/Rio Wraps located at 300 John R, for outdoor dining for 40 seats in conjunction with the their restaurant, for a period not to exceed 2 years, in accordance with Section 21.30.05 of the Zoning Ordinance, Chapter 39 of the Code of the City of Troy; and

BE IT FURTHER RESOLVED, That Pizzapapalis/Rio Wraps **MAY APPLY** for a 2-year continuance prior to the expiration of this approval.

Yes: Beltramini, Eisenbacher, Fleming, Kerwin, Schilling

No: None

Absent: Broomfield, Howrylak

MOTION CARRIED

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: Advisory Committee for Senior Citizens; Charter Revision Committee; Ethnic Issues Advisory Board; and Historic District Commission

(a) Mayoral Appointments – None Scheduled**(b) City Council Appointments**

Resolution #2009-04-124

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPOINTS** the following persons to serve on the Boards and Committees as indicated:

Advisory Committee for Senior Citizens

Appointed by Council (9-Regular) - 3 Year Terms

Betty Coven

Term Expires 04/30/2012

Charter Revision Committee

Appointed by Council (7-Regular) - 3 Year Terms

MaryAnn Bernardi

Term Expires 04/30/2012

Daniel H. Bliss

Term Expires 04/30/2012

William Weisgerber

Term Expires 04/30/2012

Ethnic Issues Advisory Board

Appointed by Council (9-Regular) – 2 & 3 Year Terms

Sharon MacDonell

Unexpired Term 09/30/2011

Historic District Commission

Appointed by Council (7-Regular) - 3-Year Terms

Paul C. Lin - Architect

Term Expires 05/15/2012

Yes: Eisenbacher, Fleming, Kerwin, Schilling, Beltramini

No: None

Absent: Broomfield, Howrylak

MOTION CARRIED

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None Scheduled (b) City Council Nominations: Board of Zoning Appeals; Historic District Commission; Historic District Study Committee; Parks & Recreation Board; and Personnel Board

(a) Mayoral Nominations – None Scheduled

(b) City Council Nominations

Resolution #2009-04-125
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That the Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Board of Zoning Appeals

Appointed by Council (7-Regular) - 3-Year Terms

Glenn Clark

Term Expires 04/30/2012

Parks & Recreation Board

Appointed by Council (7-Regular) -3- Year Terms; 1-Troy School Board; 1-Troy Daze; & 1-Adv. Committee for Sr. Citizens: 1-Year Terms

JoAnn Thompson - Sr. Advisory Committee Rep.

Term Expires 04/30/2010

Personnel Board

Appointed by Council (5-Regular) - 3-Year Terms

Albert T. Nelson, Jr.

Term Expires 04/30/2012

Yes: Fleming, Kerwin, Schilling, Beltramini, Eisenbacher
No: None
Absent: Broomfield, Howrylak

MOTION CARRIED

E-3 Contract with Greenstar & Associates, LLC for Right-of-Way Acquisition Services

Resolution #2009-04-126
Moved by Kerwin
Seconded by Beltramini

WHEREAS, Greenstar & Associates, LLC has been providing right-of-way services to the city for the past three (3) years on federally funded major road projects;

WHEREAS, Greenstar & Associates, LLC has been approved by City Council and the Michigan Department of Transportation (MDOT) for right-of-way services on John R, Long Lake to Square Lake; John R, Square Lake to South Boulevard; Wattles Road, 1,000 feet East and West of Rochester; Rochester Road, Torpey to Barclay; and Rochester Road, Barclay to Trinway; and

WHEREAS, Greenstar and Associates, LLC has agreed to the same terms and conditions as the original agreement, as amended, with no increase to the hourly rate of \$78.64 per hour for the first year;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the agreement between the City of Troy and Greenstar & Associates, LLC to provide right-of-way services for a period of two (2) years with an option to renew for one (1) additional year, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the contract is **CONTINGENT** upon contractor submission of properly executed documents including insurance certificates and any other specified requirements.

Yes: Kerwin, Schilling, Beltramini, Eisenbacher, Fleming

No: None

Absent: Broomfield, Howrylak

MOTION CARRIED

E-4 Scheduling a Special Meeting with Executive Search Firm

Resolution #2009-04-127

Moved by Eisenbacher

Seconded by Fleming

WHEREAS, At the regularly scheduled City Council meeting on March 30, 2009 Troy City Council chose the firm of Charles Blockett, Jr. & Associates, Inc. of Lansing, Michigan to perform an executive search for a city manager; and

WHEREAS, Mr. Charles Blockett requested a 1–1½ hour meeting with City Council for introductions and to:

- Clarify their expectations
- Gain an understanding of the position
- Develop a description/profile of the ideal candidate
- Discuss the tentative schedule and review his proposed strategy;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **SCHEDULES** a special meeting for Thursday, April 16, 2009 at 7:00 PM in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan 48084.

Yes: Beltramini, Eisenbacher, Fleming

No: Schilling, Kerwin

Absent: Broomfield, Howrylak

MOTION CARRIED

E-5 Confirmation of Appointment of Gary Mayer to Chief of Police

Resolution #2009-04-128

Moved by Schilling

Seconded by Kerwin

WHEREAS, The ACT 78 Board met on March 30, 2009 and certified the eligibility of Acting Police Chief Gary Mayer for Police Chief;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **CONFIRMS** the Acting City Manager's appointment of Gary Mayer as Police Chief.

Yes: Beltramini, Eisenbacher, Fleming, Kerwin, Schilling

No: None

Absent: Broomfield, Howrylak

MOTION CARRIED**CONSENT AGENDA:**

F-1a Approval of "F" Items NOT Removed for Discussion

Resolution #2009-04-129

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as.

Yes: Eisenbacher, Fleming, Kerwin, Schilling , Beltramini

No: None

Absent: Broomfield, Howrylak

MOTION CARRIED**F-1b Address of "F" Items Removed for Discussion by City Council and/or the Public**

F-2 Approval of City Council Minutes

Resolution #2009-04-129-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of March 30, 2009 as corrected.

F-3 Proposed City of Troy Proclamation(s): None Submitted

F-4 Standard Purchasing Resolutions

a) **Standard Purchasing Resolution 1: Award to Low Bidders - Aggregates**

Resolution #2009-04-129-F-4a

RESOLVED, That Troy City Council hereby **AWARDS** one-year contracts to provide Aggregates with an option to renew for one (1) additional year to the low bidders as follows, after consideration has been given to the 5% discount quoted:

Recommended Vendors	Item / Description	Price/Ton	
Metropolitan Demolition Romulus, MI	Item 7) Crushed Concrete 3"-6"	\$17.50	
		5% Discount	
Bedrock Maintenance Services Ortonville, MI	Item 1) 6A Slag	\$14.49	\$13.77
	Item 2) 22A Road Gravel	\$ 8.49	\$ 8.07
	Item 3) Pea Gravel	\$11.25	\$10.69
	Item 4) 60/40 Gravel	\$11.74	\$11.15
	Item 5) Fill Sand	\$ 5.74	\$ 5.45
	Item 6) Crushed Concrete 1"-3"	\$10.24	\$ 9.73
	Item 8) Chloride Sand	\$14.74	\$14.00
	Item 9) 2NS Sand	\$ 8.40	\$ 7.98
	Item 10) Mason Sand	\$ 9.89	\$ 9.40
	Item 11) Limestone 1"-3"	\$14.25	\$13.54
	Item 12) Limestone 3"-6"	\$18.89	\$17.95
	Item 13) Limestone 4"-8"	\$23.95	\$22.75

at the discounted prices stated above and confirmed with the unit prices as contained in the bid tabulation opened March 17, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring April 30, 2010; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon contractors' submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

b) **Standard Purchasing Resolution 1: Award to Low Bidders – Pavement Seam, Fracture Sealing and Spray Injection Patching Program**

Resolution #2009-04-129-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Pavement Seam, Fracture Sealing and Spray Injection Patching Program for the City of Troy to the low total bidder, Michigan Joint Sealing Inc, of Farmington Hills, MI, for an estimated total cost of \$133,175.00, at unit prices contained in the bid tabulation opened March 19, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and if changes in the quantity of work are required either additive

or deductive, Troy City Council hereby **AUTHORIZES** such changes in an amount not to exceed budgetary limitations.

F-5 Acceptance of a Warranty Deed and Permanent Easement from 1401 Troy Associates Limited Partnership – Sidwell #88-20-32-226-037

Resolution #2009-04-129-F-5

RESOLVED, That Troy City Council hereby **ACCEPTS** the warranty deed for right-of-way and permanent easement for water main from 1401 Troy Associates Limited Partnership, owners of the property having Sidwell #88-20-32-226-037; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the warranty deed and easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-6 Acceptance of a Warranty Deed from John Joseph Properties, LLC – Sidwell #88-20-27-358-028

Resolution #2009-04-129-F-6

RESOLVED, That Troy City Council hereby **ACCEPTS** the warranty deed for right-of-way from John Joseph Properties, LLC owner of the property having Sidwell #88-20-27-358-028; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the warranty deed with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Memorandums: None Submitted

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 Council Comments:

Mayor Schilling received many compliments in regard to how the Troy Police Department managed the crowds and traffic in partnership with the Michigan State Police at the Michigan State University pep rally held at the Somerset Collection on Friday.

Council Member Kerwin added that many local establishments contributed to the promotion of the Michigan State University event and she hopes that the spirit continues.

Council Member Kerwin reported that she recently attended the Michigan Municipal League Regional Awards where communities offered many ideas. She shared two examples of the types of ideas that were presented and provided handouts to council members and staff.

Council Member Beltramini added that there were five entries presented at the Michigan Municipal League Regional Awards ceremony and she believes it was a great opportunity for communities to share their visions. In addition, Council Member Beltramini stated that in these economic times, people will share what they have. She provided examples of citizens exchange services in which all services in terms of hours are equal in value. Council Member Beltramini requested that the City Attorney contact the City of Wayne in regard to the liabilities and possible issues associated with the "Play 4 All Playground" that they recently constructed in their community.

Council Member Beltramini thanked staff for the memo that was laid on the table this evening updating the pothole filling program.

Council Member Beltramini reported that Michigan Municipal League Regions II-VII will be meeting over the next two months and she will provide information in regard to those meetings as she receives it. Council Member Beltramini added that she plans to make an official visit to the City of Troy on behalf of the Michigan Municipal League soon.

On behalf of City Council and City Staff, Mayor Schilling welcomed John Szerlag to the community as Acting City Manager.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Downtown Development Authority Minutes/Final – January 21, 2009
- b) Civil Service Commission (Act 78)/Final – February 25, 2009
- c) Building Code Board of Appeals/Final – March 4, 2009
- d) Board of Zoning Appeals/Draft – March 17, 2009
- e) Civil Service Commission (Act 78)/Draft – March 30, 2009

Noted and Filed

J-2 Department Reports: None Submitted

J-3 Letters of Appreciation:

- a) Letter of Thanks to Captain Scherlinck from Don Tilley Regarding Assistance from the Communications Department
- b) Letter of Appreciation to Police Administration from Elaine and Richard Wisley Regarding a Tour Provided by Officer Breidenich

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted

J-5 Communication from Library Director Cathleen Russ Regarding Café Renovation Update

Noted and Filed

J-6 Communication from John M. Hamilton, Business Manager and General Vice President – International Union of Operating Engineers Regarding Support for the Troy/Birmingham Multi-Modal Transit Center

Noted and Filed

J-7 Communication from Library Director Cathleen Russ Regarding World Book/American Library Association Information Literacy Award

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 No Closed Session Requested

ADJOURNMENT

The meeting **ADJOURNED** at 8:31 AM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

**PROCLAMATION
WHITE CANE WEEK
April 24 - May 3, 2009**

WHEREAS, The first White Cane ordinance passed in December 1930 in Peoria, Illinois, giving blind pedestrians protection and the right-of-way while carrying a white cane; and

WHEREAS, At the 1931 convention held in Toronto, the Lions Clubs International promoted the white cane as a protective device for the blind; and

WHEREAS, In 1937, Donald Shuur, a Detroit area Lion, sent a proposal to the Michigan Legislature, making the white cane a symbol to protect blind persons in Michigan. It was signed into law by Governor Frank Murphy in March 1937; and

WHEREAS, Since that time, Governors of Michigan continue to proclaim the last weekend in April through the first weekend in May as **White Cane Week**. During that week, Lions all over Michigan sell White Cane pins throughout their communities; and

WHEREAS, We applaud the newly formed **Troy Community Lions Club** for their participation in **White Cane Week**, seeking to raise awareness and money to provide goods and services to persons with disabilities, young people, civic organizations, and others in the community with special needs; and

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council does hereby proclaim **April 24 - May 3, 2009 as White Cane Week** in the City of Troy, Michigan; and

BE IT FURTHER RESOLVED, That the City Council calls upon all citizens, community agencies, organizations and businesses to encourage all citizens of Troy to help support the **Troy Community Lions Club during White Cane Week** and throughout the year.

Presented this 20th day of April 2009.

PROCLAMATION
National Association of Letter Carriers
Stamp Out Hunger Food Drive Day – May 9, 2009

WHEREAS, The National Association of Letter Carriers (NALC) in conjunction with the United States Postal Service (USPS) is sponsoring the **17th Annual NALC National Food Drive to “Stamp Out Hunger” on Saturday, May 9, 2009**; and

WHEREAS, NALC Branch 3126 in the City of Troy is participating in the National Food Drive, the largest one-day food drive in the nation; and

WHEREAS, The cost of inaction is too high, particularly in the face of many negative outcomes for our children and community which are preventable; and

WHEREAS, NALC President William H. Young encourages postal carriers and communities to work together, because as postal workers “no other people in America can possibly do what we can to fight hunger, reaching to every city and town, in every neighborhood and on every street;” and

WHEREAS, More than 1,400 local branches of the 300,000-member postal union collected a record 73.1 million pounds of food in last year’s drive for local food banks, pantries and shelters, helping families throughout the nation;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby proclaims **Saturday, May 9, 2009 as National Association of Letter Carriers “Stamp Out Hunger” Food Drive Day in the City of Troy**; and

BE IT FURTHER RESOLVED, that we invite **all Troy residents to leave non-perishable food at their mailboxes on Saturday, May 9, 2009**, to support our local letter carriers in their food drive to help alleviate hunger in our community and throughout the nation.

Signed this 20th day of April 2009.

**PROCLAMATION
NATIONAL CHILD ABUSE PREVENTION AND AWARENESS MONTH
APRIL 2009**

WHEREAS, Children deserve to grow and thrive in an environment that nurtures and keeps them safe; unfortunately, abuse and neglect are suffered by children in our communities, regardless of age, race, gender or economic situation; and

WHEREAS, One in four girls and one in six boys will be sexually abused before the age of 18; and

WHEREAS, This reported maltreatment is only a portion of the overall problem threatening our children, for so many cases go unreported, and today's technology has brought with it a new and dangerous form of child endangerment, the online predator; and

WHEREAS, The devastating consequences of physical and emotional abuse of our children affects the community as a whole and finding solutions needs to be attended to by the community as a whole; and

WHEREAS, The State of Michigan has mandatory reporting by professionals working with children of any suspected abuse and neglect incidences -- a major step -- but more is needed in the communities; and

WHEREAS, **CARE House of Oakland County** (home of Child Abuse and Neglect Council of Oakland County) works to break the cycle of child abuse and neglect, provides a protective circle of light and hope for a better life, and advocates for the safety and protection of children; and

WHEREAS, **CARE House of Oakland County** partners with community organizations and agencies to offer programs and services aimed at preventing child abuse and neglect, knowing that effective programs succeed because of the involvement and partnerships created among schools, social service agencies, religious and civic organizations, the business community and law enforcement agencies;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council does hereby proclaim **April as National Child Abuse Prevention and Awareness Month** in the City Of Troy, Michigan and supports **CARE House of Oakland County's 6th annual Circle of Light**, an educational event on April 30, 2009; and

BE IT FURTHER RESOLVED, That the City Council calls upon all citizens, community agencies, organizations and businesses to increase their participation in the efforts of **CARE House** to prevent the abuse of our children, thereby strengthening and protecting the communities in which we live.

Signed this 20th day of April 2009.



MEMORANDUM

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: April 13, 2009
SUBJECT: 2009 Law Day

Since 2004, the City Attorney's Office has embraced Law Day, which was established in 1958 by President Dwight D. Eisenhower as a "day of national dedication to the principle of government under law." The officially designated Law Day is May 1, 2009, and therefore the attached proposed proclamation recognizing Law Day 2009 is attached for your consideration.

This year, the ABA has chosen "A Legacy of Liberty: Celebrating Lincoln's Bicentennial" as the theme. In connection with this theme, the Troy City Attorney's Office is sponsoring a Children's Art Display, where children under 12 years of age are encouraged to submit artistic expressions that honor President Abraham Lincoln by highlighting his contributions to our nation. The attached flyer provides the details of the Children's Art Display.

In addition to the Children's Art Display, the City Attorney's Office will also be sponsoring a Law Day Reception. As in all of our past celebrations, the Law Day celebration is funded entirely through the generosity of the members of the City Attorney's Office. We are accepting monetary and other donations on behalf of CARE HOUSE, which can be turned in up to the date of the Reception, which is scheduled for May 6, 2009, from 8:30 to 10 am in the Law Library.

Back by popular demand, the City Attorney's Office is also creating our annual Law Day Quiz. This year's quiz is posted on the Law Day webpage, located at <http://www.troymi.gov/law>. Answers to the Quiz will be posted after May 6, 2009. The Law Day celebrations from previous years are also featured on the Law Day webpage.

Thank you for your anticipated support of this annual event.

LAW DAY PROCLAMATION

May 1, 2009

WHEREAS, in 1958, President Dwight D. Eisenhower established Law Day as a day of national dedication to the principles of government under law; and

WHEREAS, this country was founded on the principle that voluntary adherence to the rule of law expands, rather than limits, the opportunities for freedom; and

WHEREAS a viable democracy requires understanding of the nature and basis of our freedoms and recognition of the individual responsibilities that those freedoms impose; and

WHEREAS the Law Day 2009 theme, *A Legacy of Liberty- Celebrating Lincoln's Bicentennial*, encourages all Americans to explore the legacy of Abraham Lincoln, regarded by many as one of our nation's greatest and eloquent president.

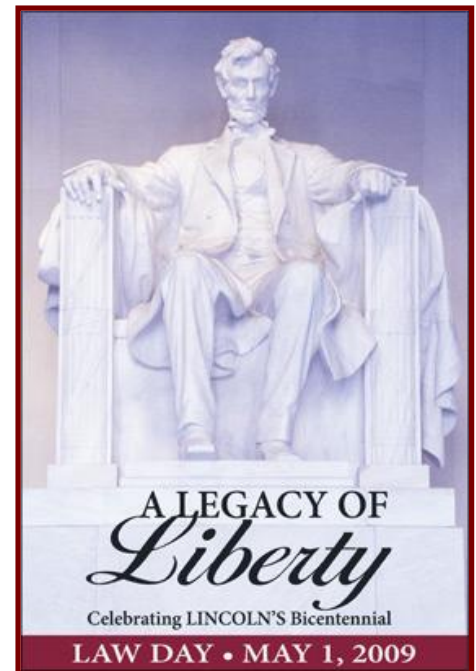
NOW THEREFORE, the Troy City Council hereby proclaims Friday, May 1, 2009, as Law Day, and urges the citizens, schools, businesses, legal professionals, and media to use this occasion to preserve and strengthen the rule of law.

BE IT FURTHER RESOLVED, that the Troy City Council encourages citizens to take advantage of the educational opportunities and information provided as part of the Troy City Attorney's Office 2009 Law Day Program; and

BE IT FINALLY RESOLVED, the Troy City Council welcomes and encourages all children to participate in the Children's Art Display, in honor of Abraham Lincoln and his contribution to our nation.

Law Day 2009

Children's Art Display



A LEGACY OF LIBERTY: CELEBRATING LINCOLN'S BICENTENNIAL

In celebration of Law Day, May 1st, 2009, the Troy City Attorney's Office is inviting children age 12 and under to participate in recognizing Abraham Lincoln's 200TH birthday and his Legacy of Liberty by submitting an art project depicting an important event in Lincoln's life or symbolizing Lincoln's role in preserving the Union or his dedication to the proposition that all men are created equal. The art project may be in any type of media but should be limited in size to 11 inches by 14 inches (if depicted on a flat surface) or no more than 12 inches in height. The back or underside of the art project must list the name and age of the participant and a home address and telephone number.

Art projects will be accepted at the Troy City Attorney's Office on or before May 1st, 2009. All participants will receive a certificate or ribbon. Some of the entries will be placed on display in City Hall and on the City of Troy Website at www.troymi.gov. The City cannot guarantee the return of the art project to the participant.

We welcome and encourage the participation of children and grandchildren of City of Troy employees and residents of the City.





CITY COUNCIL ACTION REPORT

April 13, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Development Services
Steven J. Vandette, City Engineer *SV*

SUBJECT: Agenda Item – Standard Purchasing Resolution #1: Award to Low Bidder
Contract 09-3 – Heide, Thunderbird, and Oliver Roads Water Main Replacement
Project Nos. 08.503.5, 08.504.5, 08.505.5

Background:

- Bids were received and publicly read on April 7, 2009. The low bid of \$1,708,368.10, as submitted by Teltow Contracting, Inc., can be seen in the attached tabulation of bids.
- The Engineer's estimate at the time of bidding was \$1,943,000.00. The low bid is therefore \$234,631.90 or 12% below the Engineer's estimate.
- Work will include replacing the existing water main with a 16" water main and partial replacement of concrete pavement on Heide, Thunderbird, and Oliver Roads in Section 28. This work is scheduled to start in May of 2009 and be complete by October 2009.

Financial Considerations:

- Funds for work are included in the 2008/09 Water Fund, account numbers 591.537.555.7972.085035 (Heide), 591.537.555.7972.085045 (Thunderbird), and 591.537.555.7972.085055 (Oliver). The budgeted amount includes funds for construction, inspection and contingencies.

Legal Considerations:

- Work was competitively bid and publicly opened with thirteen (13) bidders responding.
- Award is contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

Policy Considerations:

- Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- It is recommended that City Council award a contract for the Heide, Thunderbird, and Oliver Roads Water Main Replacement to Teltow Contracting, Inc., 4678 Meldrum Road, Casco, MI 48064 for their low total bid amount of \$1,708,368.10. In addition, we are requesting authorization to approve additional work, if needed, not to exceed 10% of the original project cost.

BID TABULATION

Bids Due: April 7, 2009

CONTRACT 09-03

Project No's. 08.503.5, 08.504.5, 08.505.5

Heide, Thunderbird, and Oliver Roads Water Main Replacement

City of Troy

Oakland County, Michigan

Total Bid Amount

TELTOW CONTRACTING, INC.	\$1,708,368.10
CAPITAL CONTRACTING, CO.	\$1,766,392.50
FDM CONTRACTING, INC.	\$1,769,018.40 *
PAMAR ENTERPRISES, INC.	\$1,848,025.20 *
ADJ EXCAVATING	\$1,854,457.50 *
TYGER EXCAVATING, INC.	\$1,876,311.25
VIL CONSTRUCTION, INC.	\$1,898,600.50 *
MAJOR CEMENT	\$1,927,967.00
TROELSEN EXCAVATING CO.	\$1,942,557.45
DIPONIO CONTRACTING	\$1,974,869.10
SUPERIOR EXCAVATING, INC,	\$2,046,564.18 *
ANGELO IAFRATE CONSTRUCTION CO.	\$2,046,737.50
ZITO CONSTRUCTION CO.	\$2,127,558.95

* Corrected by Engineer



CITY COUNCIL ACTION REPORT

April 13, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 1: – Award To Low Bidders – Hauling/Disposal of Dirt and Debris

Background

- On March 13, 2009, bid proposals were electronically received for one-year requirements of Hauling/Disposal of Dirt and Debris with an option to renew for one additional year.
- 91 vendors were notified via the MITN system with six (6) bid responses received, as well as one incomplete bid.
- Each item on the proposal was considered as a separate bid, after consideration was given to the discounts quoted; and recommendations made to the lowest responsible bidders for each item.

Financial Considerations

- Funds are available in the 2009-2010 Operating Budgets for the Streets and Water departments.

Legal Considerations

- ITB-COT 09-19, Hauling/Disposal of Dirt and Debris was competitively bid as required by City Charter and Code.
- The awards are contingent upon contractors' submission of proper insurance certificates and all other specified requirements.

Policy Considerations

- All bidders were given the opportunity to respond with their level of interest in providing hauling/disposal services for the City of Troy. (Goal II)

Options

- City management recommends awarding contracts on an item by item basis to the three low bidders.

Recommended Vendors	Item / Description	Price/Ton
Ahern Contracting Inc Chesterfield, MI	1). Broken Concrete with and without wire, possibly mixed w/fill dirt	\$4.29
Bedrock Maintenance Services Ortonville, MI	2). Broken asphalt possibly mixed with fill dirt 3). Fill Dirt, material excavated from water and sewer repairs, as well as ditching operations. Material may include culverts, large stumps, logs and wood materials	\$4.49 (w/terms \$4.2655) \$4.49
Metropolitan Demolition, LLC Romulus, MI	4). Catch basin sludge and street sweepings - Pine Tree Acres -	\$14.50

Opening Date -- 3/13/09
Date Prepared -- 4/9/09

CITY OF TROY
BID TABULATION
HAULING/DISPOSAL OF DIRT AND DEBRIS

ITB-COT 09-19
Page 1 of 2

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VENDOR NAME:

**	Bedrock	Ahern	Metropolitan
	Maintenance	Contracting Inc	Demolition,
	Services		LLC

ITEM	EST QTY(TONS)	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON
1	2,000	Broken concrete with & without wire, possibly mixed w/fill dirt	\$4.2655 \$ 4.49	(w/terms \$4.2042) \$ 4.29	\$10.395 \$ 10.50
2	1,000	Broken asphalt possibly mixed with fill dirt	(w/terms) \$ 4.2655 \$ 4.49	\$ 4.3512 \$ 4.44	\$ 9.405 \$ 9.50
3	7,000	Fill Dirt, material excavated from water and sewer repairs, as well as ditching operations. Material may include culverts, large stumps, logs & wood materials	\$ 4.2655 \$ 4.49	\$ 5.3802 \$ 5.49	\$ 7.6725 \$ 7.75
4	1,000	Catch basin sludge and street sweepings.	\$ 16.0455 \$ 16.89	\$ 16.121 \$ 16.45	(w/terms) \$ 14.355 \$ 14.50
ESTIMATED TOTAL ALL ITEMS:			\$ 61,790.00	\$ 67,900.00	\$ 99,250.00
ESTIMATED TOTAL AWARDED ITEMS:			** \$ 35,920.00	\$ 8,580.00	\$ 14,500.00

DISPOSAL SITE:

APPROVED SITE
EPA PERMIT #:

Y or N

CONTACT INFORMATION: Hrs of Operations
24 Hr Phone #

SITE VISIT: Yes/No
Signed

INSURANCE: Can Meet
Cannot Meet

EQUIPMENT LIST: Y or N

PAYMENT TERMS:

DELIVERY:

MINIMUMS:

EXCEPTIONS:

Blank	Veolia ES Solid Waste Midwest, Inc.	N/A Depending on Time of Year
Blank	Yes	Pine Tree Acres Blank
	Unknown	MID185388089
Blank	7 AM to 5 PM	7 AM to 6 PM
248-627-3338	888-443-1717	734-709-5039
Blank	No	Yes
		5-Mar-2009
Blank	XX	XX
Blank	No	Yes
Net 10 Days 5% Discount	Net 30 or Net 10 - 2% Disc.	Net 30 Days 15 days or before for a 1% discount
48hrs or less	3/20/2009 weather permitting	
50 Tons	None	ASAP
		100
Already set up with City of Troy - Insurance on File	MDOT Certified, SoM Licensed & Fully Insured/ Bonded	Hazardous/Contaminated soils/material & Hauling Permits/Bonds/Fees/ testing or inspections etc.....

BOLD FACE TYPE DENOTES LOW BIDDERS

PROPOSAL: One-Year Requirements of Hauling and Disposal of Dirt and Debris with an Option to Renew for One (1) Additional Year

Susan Leirstein CPPB
Purchasing Director

Opening Date -- 3/13/09
Date Prepared -- 4/9/09

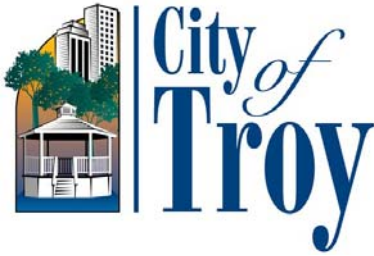
CITY OF TROY
BID TABULATION
HAULING/DISPOSAL OF DIRT AND DEBRIS

ITB-COT 09-19
Page 2 of 2

VENDOR NAME:

VENDOR NAME:			Comprehensive Environmental Solutions, Inc.	Waste Management of Michigan	Madalyn's Contracting LLC
ITEM	EST QTY(TONS)	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON
1	2,000	Broken concrete with & without wire, possibly mixed w/fill dirt	(w/terms \$5.88) \$ 6.00	\$ 8.00	\$ 10.00
2	1,000	Broken asphalt possibly mixed with fill dirt	\$ 5.88 \$ 6.00	\$ 8.00	\$ 8.00
3	7,000	Fill Dirt, material excavated from water and sewer repairs, as well as ditching operations. Material may include culverts, large stumps, logs & wood materials	\$ 5.88 \$ 6.00	\$ 8.50	\$ 10.00
4	1,000	Catch basin sludge and street sweepings.	\$ 15.68 \$ 16.00	\$ 14.50	\$ 20.00
ESTIMATED TOTAL ALL ITEMS:			\$ 76,000.00	\$ 98,000.00	\$ 118,000.00
ESTIMATED TOTAL AWARDED ITEMS:			N/A	N/A	N/A
DISPOSAL SITE:			Blank	Blank	Blank
APPROVED SITE EPA PERMIT #:			Blank	Blank	Blank
CONTACT INFORMATION:			Blank	Blank	Blank
Hrs of Operations			Blank	Blank	Blank
24 Hr Phone #			Blank	Blank	Blank
SITE VISIT:			Blank	Blank	Blank
Yes/No			Blank	Blank	Blank
Signed			Blank	Blank	Blank
INSURANCE:			Blank	Blank	Blank
Can Meet			Blank	Blank	Blank
Cannot Meet			Blank	Blank	Blank
EQUIPMENT LIST:			Blank	Blank	Blank
Y or N			Blank	Blank	Blank
PAYMENT TERMS:			2% Net 10	No	Net 30 - 0% Disc.
DELIVERY:			3/13/2009	3/13/2009	As Needed
MINIMUMS:			None	None	50 or \$1000
EXCEPTIONS:			Blank	Certificate of Insurance	
				will be provided upon	
				award	
					Blank

ATTEST:
Cheryl Stewart
Thomas Rosewarne
Deanna Theobald
Linda Bockstanz



CITY COUNCIL ACTION REPORT

April 13, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Susan A. Leirstein, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidder - Pump Repair Services – Indoor and Outdoor Pools

Background

- On February 24, 2009, bids were opened to furnish all labor, tools, equipment including cranes etc., and transportation services for two-year requirements of pump repair and emergency repairs on the City of Troy (outdoor and indoor) pools with two one-year renewal options.
- Two vendors made a scheduled visit to the site.
- 67 vendors were notified via the MITN system with five bidders responding.
- Pro Seal Service Group of Pontiac was the low total bidder.
- All bidders were given the opportunity to respond with their level of interest in furnishing the services as specified.

Financial Considerations

- Funds for these services are budgeted in the Troy Community Center Account - #101.751.31.755.7802.150; and the Troy Family Aquatic Center Account #587.787.7802.150.

Legal Considerations

- The award is contingent upon the recommended bidder's submission of proper contract and bid documents, including insurance and all other specified requirements.

Policy Considerations

- Having a contract for pump repairs keeps operating costs lower and assists with less down time for the patrons. (Goal I)
- Pro Seal Service Group has 20 years of experience with pumps and has done similar work in other cities and counties. (Outcome Statement II)

Options

- City management and the Parks and Recreation department recommend awarding a contract to furnish all labor, tools equipment including cranes etc., and transportation services to provide two-year requirements of pump repair and emergency repairs on the City of Troy (outdoor and indoor) pools with two-one-year renewal options, to the low total bidder, Pro Seal Service Group of Pontiac, MI, at unit prices contained on the bid tabulation dated 2/24/09 to expire April 30, 2011.

Opening Date -- 02-24-09
Date Prepared -- 04/13/09

CITY OF TROY
BID TABULATION
PUMP REPAIR SERVICES

ITB-COT 09-02
Page 1 of 4

VENDOR NAME:

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**

ProSeal Service Group	Professional Pump	Kennedy Industries
	Inc	Inc

PROPOSAL: FURNISH TWO-YEAR REQUIREMENTS OF PUMP REPAIR AND EMERGENCY REPAIR SERVICES FOR BOTH INDOOR AND OUTDOOR POOLS FOR THE CITY OF TROY WITH TWO ONE-YEAR RENEWAL OPTIONS

<u>EST/QTY</u>	<u>ITEM</u>	<u>Repair Service - 2-Man Crew</u> <u>DESCRIPTION</u>			
60 hrs	1.a.	On Site Regular Time - Hour per Man	\$ 65.00	\$ 50.00	\$ 96.00
60 hrs	1.b.	Off Site Regular Time - Hour per Man	\$ 50.00	\$ 50.00	\$ 96.00
60 hrs	1.c.	COST - to remove pumps from their housing- Labor/Eqmt.	\$ 72.00	\$ 190.00	\$ 96.00
	1.d.	RESPONSE TIME: Within	4 /Hrs.	4 /Hrs.	4 /Hrs.
20 hrs	2	Emergency Repairs - 2-Man Crew Regular Time - Hour per Man Overtime: - Hour per Man Holiday Time - Hour per Man	\$ 50.00 \$ 65.00 \$ 80.00	\$ 50.00 \$ 75.00 \$ 75.00	\$ 96.00 \$ 144.00 \$ 192.00
ESTIMATED TOTAL COST:			\$ 24,440.00	\$ 25,400.00	\$ 38,400.00
TROY FAMILY AQUATIC CENTER (FLOWAY)					
3		Repair Parts Discount % Parts Price List Dated PRICE LIST - Marked A Markup/Markdown Impeller Replacement Cost Pump Shaft Replacement Cost	Blank Blank Blank Blank +30% \$ 800.00 \$ 550.00	Blank Blank Blank Blank +15% \$ 1,023.00 \$ 724.00	Blank Blank Blank Blank +20% \$ 1,800.00 \$ 1,000.00
TROY COMMUNITY CENTER (AURORA)					
4		Repair Parts Discount % Parts Price List Dated A Markup/Markdown Impeller Replacement Cost Pump Shaft Replacement Cost	Blank Blank Blank +30% \$ 590.00 \$ 695.00	Blank Blank Blank +15% N/A \$ 375.00	Blank Blank Blank +20% \$ 1,900.00 \$ 2,300.00
5		Travel Time Complete Repair Call	\$ 65.00	\$ 50.00	\$ 96.00
MANDATORY:					
Number of years experience		20 Years	24 Years	40 Years	
CONTACT INFORMATION:					
Hrs of Operation		7 AM to 6 PM	7:30 AM to 3:30 PM	M - F 7 AM to 4 PM	
Contact Number		248-758-0500	734-394-7878	586-929-7404	
SITE INSPECTION: Yes or No		Yes	Yes	No	
Date		2/10/2009	2/10/09		

Opening Date -- 02/24/09
Date Prepared - 04/13/09

CITY OF TROY
BID TABULATION
PUMP REPAIR SERVICES

ITB-COT 09-02
Page 2 of 4

VENDOR NAME:		**	ProSeal Service Group	Professional Pump	Kennedy Industries
				Inc	Inc
INSURANCE:	Can Meet	XX	XX	XX	XX
	Cannot Meet				
	Signed Y or N	Yes	No	Yes	
PAYMENT TERMS:		30 days	Net 30 Days	Net 30	
WARRANTY:		3 Year	3 Years	One Year	
EXCEPTIONS:		Blank	Blank	Blank	
ACKNOWLEDGEMENT: Y or N		Yes	No	Yes	
Addendum #1		Yes	No	Yes	

**** DENOTES LOW TOTAL BIDDER**

ATTEST:

Diane Fisher

Ann Blizzard

Brian Goul

Linda Bockstanz

G: /ITB-COT 09-02 Pump Repair Services

Susan Leirstein CPPB
Purchasing Director

Opening Date -- 02-24-09
Date Prepared -- 04/13/09

CITY OF TROY
BID TABULATION
PUMP REPAIR SERVICES

ITB-COT 09-02
Page 3 of 4

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VENDOR NAME:

Kerr Pump & Supply Co.

American Electric

PROPOSAL: FURNISH TWO-YEAR REQUIREMENTS OF PUMP REPAIR AND EMERGENCY REPAIR SERVICES FOR BOTH INDOOR AND OUTDOOR POOLS FOR THE CITY OF TROY WITH TWO ONE-YEAR RENEWAL OPTIONS

<u>EST/QTY</u>	<u>ITEM</u>	<u>Repair Service - 2-Man Crew</u> <u>DESCRIPTION</u>			
60 hrs	1.a.	On Site Regular Time - Hour per Man		\$ 99.00	\$ 90.00
60 hrs	1.b.	Off Site Regular Time - Hour per Man		\$ 99.00	\$ 90.00
60 hrs	1.c.	COST - to remove pumps from their housing- Labor/Eqmt.		\$ 110.00	\$ 305.00
	1.d.	RESPONSE TIME: Within		4 /Hrs.	4 /Hrs.
20 hrs	2	Emergency Repairs - 2-Man Crew			
		Regular Time - Hour per Man		\$ 99.00	\$ 90.00
		Overtime: - Hour per Man		\$ 148.50	\$ 135.00
		Holiday Time - Hour per Man		\$ 198.60	\$ 270.00
ESTIMATED TOTAL COST:				\$ 40,920.00	\$ 43,500.00

TROY FAMILY AQUATIC CENTER (FLOWAY)

3	Repair Parts			
	Discount %		0%	20%
	Parts Price List		2009	Blank
	Dated		Blank	Blank
	PRICE LIST - Marked		Blank	Blank
	A Markup/Markdown		+20%	Blank
	Impeller Replacement Cost		Blank	Time & Material
	Pump Shaft Replacement Cost		Blank	Time & Material

TROY COMMUNITY CENTER (AURORA)

4	Repair Parts			
	Discount %		10%	Blank
	Parts Price List		2009	Blank
	Dated		Aug-09	Blank
	A Markup/Markdown		+20%	Blank
	Impeller Replacement Cost		Blank	\$ 30,791.12
	Pump Shaft Replacement Cost		Blank	Blank

5	Travel Time			
	Complete Repair Call		\$ 100.00	\$ 270.00

MANDATORY:

Number of years experience		50 Years	9 Years
CONTACT INFORMATION:			
Hrs of Operation		Dan Muns	7:30 AM to 4:00 PM
Contact Number		586-292-9059	810-742-1900
SITE INSPECTION: Yes or No		No	No
Date			

Opening Date -- 02-24-09
Date Prepared - 04/13/09

CITY OF TROY
BID TABULATION
PUMP REPAIR SERVICES

ITB-COT 09-02
Page 4 of 4

VENDOR NAME:			Kerr Pump & Supply Co.	American Electric
INSURANCE:	Can Meet		XX	XX
	Cannot Meet			
	Signed Y or N		Yes	Yes
PAYMENT TERMS:			Net 30	Net 30
WARRANTY:			Blank	1 Year
EXCEPTIONS:			Blank	Blank
ACKNOWLEDGEMENT: Y or N			Yes	Yes
Addendum #1			Yes	No



CITY COUNCIL ACTION REPORT

April 13, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Susan A. Leirstein, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Standard Purchasing Resolution 2: Sole Bidder - Ultraviolet Chloramines Destruct and Disinfection System

Background

- On March 24, 2009, bids were opened to furnish all equipment, material and labor to install, start up and train staff for an ultraviolet chloramines destruct and disinfection system at the City of Troy Community Center indoor leisure pool. B & B Pools and Spas of Livonia was the sole bidder at an estimated cost of \$39,887.91.
- After opening the bid, budget allocations allowed purchase and installation of the system for both the leisure and therapy pools. The sole source contractor agreed to the additional purchase for the therapy pool at an estimated cost of \$31,352.00.
- 39 vendors were notified via the MITN system.
- Two vendors made a scheduled visit to the site. One vendor quoted the project, the other submitted a statement of no bid indicating their insurance carrier could not supply the additional insured language as specified.
- All bidders were given the opportunity to respond with their level of interest in furnishing the system as specified.
- The ultraviolet chloramines destruct and disinfection system is designed to destroy chloramines and other byproducts of chlorine. It does this with a short wave ultraviolet light that has a photo-oxidation effect. The results are immediate improvement of water and air quality, with reduced chemical use, offering chemical cost savings and a greener environment.

Financial Considerations

- By installing the ultraviolet system on both pools, an estimated \$8,000 to \$10,000 a year would be saved in chemical disinfection.
- Funds to purchase the systems are available from the Troy Community Center Capital Account #401.751.755.7978.045.

Legal Considerations

- ITB-COT 09-09 for an ultraviolet chloramines destruct and disinfection system was competitively bid as required by City Charter and Code.
- The award is contingent upon the recommended bidder's submission of proper contract and bid documents, including bonds, insurance and all other specified requirements.

April 13, 2009

To: John Szerlag, Acting City Manager

Re: Sole Bidder – Ultraviolet Chloramines Destruct and Disinfection System

Policy Considerations

- Installing the ultraviolet chloramines destruct and disinfection system is better for the environment, will improve water and air quality, and is safe for all patrons. (Outcome Statement I)
- Installing the ultraviolet chloramines destruct and disinfection system on both of the indoor pools will reduce the cost of chemicals at an estimated \$8,000 to \$10,000 a year. (Outcome Statement II)
- B & B Pools and Spas has done work at the indoor pool and is the current company that oversees the maintenance contract. (Outcome Statement II)

Options

- City management and the Parks and Recreation department recommend awarding a contract to furnish all equipment, material and labor to install, start up and train staff for an ultraviolet chloramines destruct and disinfection system at the Troy Community Center indoor leisure and therapy pools, to the sole bidder, B & B Pools and Spas of Livonia, MI, for an estimated total cost of \$71,240.00.

Opening Date -- 03/24/09
Date Prepared -- 4/13/09

CITY OF TROY
BID TABULATION
ULTRAVIOLET CHLORAMINE SYSTEM

ITB-COT 09-09
Page 1 of 1

sl

VENDOR NAME:

B & B Pools & Spas

Check #

9181101001

Check Amount

\$ 5,000.00

PROPOSAL: FURNISH ALL EQUIPMENT, MATERIAL AND LABOR TO INSTALL, START-UP, AND TRAIN STAFF FOR AN ULTRAVIOLET CHLORAMINE DESTRUCT AND DISINFECTION SYSTEM FOR THE CITY OF TROY'S LEISURE POOL, IN ACCORDANCE WITH SPECIFICATIONS

COMPLETE FOR THE SUM OF:

\$ 39,887.91

PRODUCT NAME:

UV System PMD200DI/GAW

MANUFACTURED BY:

Hanovia

LIFE CYCLE COSTING MODEL:

Number of Light Fixtures

One

Number of lamps per Fixture

One bulb per system

Watts

Blank

Cost Per UV Bulb

\$900 Each

Lamp life in hours

12 - 18 Months

CONTACT INFORMATION:

Hrs of Operation

M-F 8 AM to 5 PM

Contact Number

734-427-3242

SITE INSPECTION: Yes or No
Date

Yes

3/17/09

PROGRESS PAYMENTS:

50% upon order
50% Completion

DESCRIPTIVE LITERATURE:

Literature

COMPLETION DATE:

JUNE 10, 2009

Can Meet

XX

Cannot Meet

INSURANCE: Can Meet
Cannot Meet
Signed Y or N

XX

Yes

50% upon order
50% Completion

PAYMENT TERMS:

WARRANTY:

PER SPECS

EXCEPTIONS:

Blank

ACKNOWLEDGEMENT: Y or N

Yes

SCHEDULE OF VALUES: Y or N

Yes

VENDOR QUESTIONNAIRE: Y or N

Yes

ADDENDUM #1 Y or N

Yes

NO BIDS:

American Enzyme, Inc.

BOLDFACE TYPE DENOTES SOLE BIDDER

ATTEST:

Diane Fisher

Ann Blizzard

Brian Goul

Linda Bockstanz

Susan Leirstein CPPB

Purchasing Director



CITY COUNCIL ACTION REPORT

April 3, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
James A. Nash, Financial Services Director
Stephen Cooperrider, Risk Manager

SUBJECT: Agenda Item – Casualty and Property Insurance Renewal – Request to Negotiate with the Michigan Municipal Risk Management Authority (MMRMA)

Background:

- The City has been a member of the MMRMA since 1990.
- The current agreement with the MMRMA expires November 8, 2009.
- The MMRMA has asked if the City would be open to negotiating a new agreement (Letter attached dated April 1, 2009).
- The MMRMA has submitted a successful competitive bid on four separate occasions since 1990.
- The MMRMA and City have successfully negotiated five additional agreements with City Council approval since 1999.
- The MMRMA insures 52 governmental entities in Oakland County, and 330 entities Statewide.

Financial Considerations:

- Mr. Boyd Smith of the MMRMA is aware that any negotiation with regard to pricing is open to review by competitors should the City and MMRMA not come to an agreement.
- Other services provided by the MMRMA as part of the insurance premium include: Notary Bonds, Oakland County Sheriff's Bonds, claims handling services, loss control services, input and decision making authority on claims prior to settlement, no annual aggregate limits of liability, risk transfer counseling, risk management counseling, and others.
- MMRMA financial strength (program assets of \$285,130,472 and a fund balance of \$137,335,273), the broadest available coverage, a reinsurance program that includes carriers with the highest financial ratings that are admitted to do business in the State of Michigan.
- The MMRMA implemented a net asset distribution program over the last 3 years in which they return funds to their members based on financial stability and availability of excess net asset funds.

Policy Considerations:

- The MMRMA broad coverage document provides the City with a property and casualty insurance portfolio that enhances all of the City's outcome statements, and has met the City's changing needs.

Options:

- I believe it to be in the City's best interest to give Mr. Smith an opportunity to present and negotiate a proposal from the MMRMA because of their past performance in our competitive bidding process, their past willingness to negotiate fairly with City Management, and their excellent service to the City of Troy for the past 19 years.

RISK

MICHIGAN MUNICIPAL
RISK MANAGEMENT
A U T H O R I T Y

April 1, 2009

Stephen Cooperrider
Risk Manager
City of Troy
500 West Big Beaver Road
Troy, MI 48084

Dear Stephen,

The City of Troy and Michigan Municipal Risk Management Authority have shared an excellent working relationship for the past 19 years. As you know, we are a member-run organization whose Board of Directors is elected from the membership that make decisions for the good of the entire membership, for example; the excess net asset distributions of recent years. The City of Troy has received \$181,980 in distributions so far. You have to ask yourself: Would an insurance company's Board of Directors make the same decision? Or would it declare bonuses to the company's executives and agents?

I believe our expert risk consultants in the areas of municipal law enforcement, fire and rescue, parks and recreation, and DPW, working in partnership with your risk management department, have contributed greatly to your excellent claim history. Not to my knowledge does any other insurance company or municipal pool in the state of Michigan set aside grant money for its members to help educate and prevent liability losses. MMRMA sets aside \$750,000 in grant funding each year for its Risk Avoidance Program (RAP) to help members develop and implement projects with high potential for solving risk management problems. The City of Troy has participated in funding for police TASERS, education and training, and police in-car cameras for a total amount of \$30,650 in RAP grant funding. We feel this is money well spent and encourage all of our members to apply for this funding.

BOARD OF DIRECTORS

JAMES KOHMESCHER Chair City of Wyoming	JAMES SCHARRET Vice Chair City of Southfield	MICHAEL WELSCH Secretary Au Sable Valley Mental Health	MICHAEL BOSANAC Monroe County	RICHARD BURKE City of Ishpeming	MICHAEL DORNAN City of Wixom	CINDY KING Charter Township of Van Buren	LEONARD PETERS Eaton County	ROBERT SEETERLIN Charter Township of Waterford	THOMAS YACK Charter Township of Canton
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MICHAEL L. RHYNER, Executive Director

14001 Merriman Road • Livonia, MI 48154 • 734.513.0300 • 800.243.1324 • FAX 734.513.0318 • www.mmrma.org

Stephen Cooperrider
April 1, 2009
Page 2

Per your request, the following is a list of other MMRMA members in Oakland County that are similar to the City of Troy:

<u>City</u>	<u>Population</u>	<u>SIR</u>	<u>Contribution</u>
City of Troy	81,000	\$500,000	\$319,876
City A	84,000	\$250,000	\$872,529
City B	82,000	\$150,000	\$977,577
City C	78,000	\$250,000	\$1,396,041
City D	73,000	\$500,000	\$625,965
City E	70,000	\$500,000	\$1,184,225
City F	70,000	\$150,000	\$602,089
City G	65,000	\$150,000	\$658,513
City H	61,000	\$250,000	\$819,114
City I	61,000	\$250,000	\$982,069
City J	44,500	\$150,000	\$507,358
City K	28,000	\$75,000	\$330,016
City L	19,000	\$150,000	\$675,655

Again, there are many factors that go into rating a municipality. A good loss ratio plays a big factor in keeping the rate down. Other considerations include the size of the police and fire departments, whether courts are included in coverage, whether there is a stop loss, its budget and property values, and the liability protection limits. These and many other factors play a part in a municipality's total contribution. As you can see, compared to other municipalities, the City of Troy has fared very well.

Our Executive Director is in the midst of discussions with our reinsurance partners. He feels that, although the investment market is down, with our excellent claim history we will be able to keep rates low and be able to lock in extended contracts. With the state of the current economy, I would like to remind you that the MMRMA is a Michigan company. We provide insurance and risk management services only for Michigan governmental entities.

I consider the City of Troy a valued member and will do everything in my power to negotiate an excellent renewal contract for you. Please, if at any time you have questions or concerns, do not hesitate to call me.

Sincerely,



Boyd M. Smith, CIC
MMRMA Risk Manager



CITY COUNCIL ACTION REPORT

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
James A. Nash, Financial Services Director
Gert Paraskevin, Information Technology Director
Sandra Kasperek, City Treasurer
Stephen Cooperrider, Risk Manager

SUBJECT: Agenda Item – Adoption of the City of Troy Identity Theft Prevention Program in Compliance with the Fair and Accurate Credit Transaction (FACT) Act of 2003 as amended November 9, 2007.

Background:

- The Federal Trade Commission (FTC) issued an amendment to the FACT Act in 2007 to provide new protections to consumers against the growing problem of identity theft.
- The FTC requires that creditors with covered accounts must implement a written Identity Theft Prevention Program.
- The FTC has determined that utilities are covered accounts and that municipalities are considered creditors in this regard.
- The FACT Act amendment requires the creation of a Privacy Committee (Risk Manager, IT Director, City Treasurer, Water Department - Office Coordinator, Police Department representative) to draft the policy and implement it.
- The FACT Act requires the written Identity Theft Prevention Program to be adopted by the governing board by May 1, 2009.
- The City of Troy has always acted to protect the personal identification information of our citizens. The attached Program document developed by the Privacy Committee serves to formalize practices already in place.

Financial Considerations:

- Failure to implement a written policy can result in civil penalties of up to \$2,500 per violation.

Legal Considerations:

- The City must be in compliance with the FACT Act rules as promulgated.

Policy Considerations:

- Troy enhances the health and safety of the community.
- Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- The Privacy Committee and City Management recommend the adoption of the Identity Theft Prevention Program as submitted.

SC/

City of Troy - Public Utility

Identity Theft Prevention Program

PURPOSE

To establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with the Federal Trade Commission's Red Flags Rule (Part 681 of Title 16 of the Code of Federal Regulations) implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

- Identify relevant Red Flags and incorporate them into the Program;
- Detect Red Flags;
- Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
- Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

DEFINITIONS

Personal Identification Information means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including:

- Name
- Address
- Telephone number
- Social Security Number (SSN)
- Date of Birth (DOB)
- Government issued Driver's License, ID or Passport
- Employer or Taxpayer Identification Number
- Internet Protocol address, or routing code
- Credit Card Number
- Personal Identification Number (PIN)
- Bank Account Number
- Utility Account Number

Identify theft is fraud committed using identifying information of another person without authority.

A **red flag** means a pattern, practice or specific activity that indicates the possible existence of identity theft.

SCOPE

1. This policy applies to all City of Troy employees as it relates to utility accounts, and contractors of the City of Troy.
2. This policy supplements but does not replace existing policies.

POLICY

PROCEDURES FOR OPENING A NEW ACCOUNT

In Person/by mail:

1. Obtain sufficient Personal Identification Information to allow you to form a reasonable belief that the customer is who they claim to be, including, but not limited to:
 - a. Name
 - b. Service Address
 - c. Phone Number
 - d. Name of Financial Institution
 - e. Checking/Savings Account Number
 - f. Routing Number
2. Avoid taking Personal Identification Information verbally when other customers can overhear the conversation. Information provided must be in writing.
3. Ensure that City Employee computer monitors are not visible to others.
4. Check for Red Flags. (See Appendix A: Examples of Red Flags). If a Red Flag is detected, follow the prescribed Next Step in the Red Flag check list. If you are unsure of the Next Step, consult with your supervisor before processing the request for the new account. Red Flags must be resolved before a new account can be established.

By Telephone:

1. City employee does not provide information by telephone. Customer must provide information in writing.
2. Check for Red Flags (See Appendix A: Examples of Red Flags). If a Red Flag is detected follow the prescribed Next Step in the Red Flag check list. If you are unsure of the Next Step, consult with your supervisor before processing the request for a new account. Red Flags must be resolved before a new account can be established.

PROCEDURES FOR EXISTING ACCOUNTS

1. Watch for Red Flags whenever executing transactions on customer accounts.
2. Caller must provide the account information. Employee does not provide any account information to caller.

3. A change of mailing address initiated by the customer requires the same level of authentication as opening a new account. Customers must provide personal identification to establish a billing address different than the customer account address.
4. Safeguard all credit card information, checks, ACH information, bankruptcy statements or other personal financial information at all times. These documents should be stored in a secure location until they can be properly destroyed consistent with the Records Retention and Disposal Schedule.

GENERAL SECURITY GUIDELINES

1. All employees with access to customer utility account personal identification information are required to complete the Identity Theft Prevention Program training and complete an annual update.
2. Ensure complete and secure destruction of paper documents and computer files containing customer information.
3. Ensure that passwords are difficult to determine.
4. Ensure that office computer screens lock and are password protected.
5. Follow proper computer shutdown or screen locking procedures before leaving work stations.
6. Ensure that customers Personal Identification Information is not left on computer screens longer than necessary to execute transactions.
7. Ensure that desks and workstations are clear of papers containing customers Personal Identification Information.
8. Ensure computer virus protection is up to date.
9. Require and keep only the kinds of customer information that are necessary for utility purposes.

RESPONSE TO BREACH OF SECURITY

In the event personnel detect any identified Red Flags, personnel should not confront any individual suspected of committing identity theft. It is only their duty to report any suspected patterns of identity theft. Depending on the degree of risk posed by the Red Flag, personnel shall take one or more of the following steps:

1. Continue to monitor an account for evidence of Identity Theft.
2. Contact the customer.
3. Change any passwords or other security devices that permit access to accounts.
4. Not open a new account or close an existing account.
5. Notify the City Treasurer for determination of the appropriate step(s) to take.
6. The City Treasurer may notify law enforcement if situation warrants.

ADMINISTRATIVE PROCEDURES

The Risk Manager (Privacy Officer), with assistance from the Privacy Committee shall:

1. Develop and implement reasonable policies and procedures for an Identity Theft Prevention Program that complies with federal guidelines implementing the FACT Act.
2. Insure all supervisors and employees involved in utility accounts receive the necessary training to effectively implement the Program.
3. Establish a contact at the Troy Police Department to report suspected cases of identity theft.
4. Receive reports of Red Flags that require mitigation.
5. Conduct periodic risk assessments of the Program.
6. Periodically review and update the Program procedures and Appendix A – Examples of Red Flags.
7. Insure continued compliance with the FACT Act.
8. Call meetings of the Privacy Committee as needed to review Policy and Procedures.

Stephen Cooperrider, Risk Manager / Privacy Officer Dated _____

James A. Nash, Financial Services Director

John M. Lamerato, Assistant City Manager/Fin. & Admin.

Approved by _____
John Szerlag, Acting City Manager

Dated

APPENDIX A – EXAMPLES OF RED FLAGS

I. SUSPICIOUS DOCUMENTS

- Identification document or card that appears to be forged, altered or not authentic.
- Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document.
- Other document with information that is not consistent with existing customer information (example: person's signature on a check appears forged).
- Application for service that appears to have been altered or forged.

Next Step:

1. In all cases, advise the customer that there appears to be a discrepancy with their documentation and they will need to provide verification of their identity before the transaction can be completed.
2. In some cases, it may be necessary to contact the landlord or property owner to verify who the tenant is.

Mitigation:

1. In all cases, do not open a new account until you are satisfied that the customer is who they claim to be. If necessary, request further documentation (check stub or W-2). Where appropriate attempt to contact the person named on the documents and advise them that they may be the victim of an attempted identity theft. If the matter is not reasonably resolved, advise a supervisor. In some instances, management may need to close an existing account and/or contact the Troy Police Department.

II. SUSPICIOUS PERSONAL IDENTIFICATION INFORMATION

- Identifying information presented that is inconsistent with other information the customer provides (example: different name).
- Identifying information presented that is inconsistent with other sources of information (example: an account number not matching an account number on record).
- Identifying information presented that is the same as information shown on other applications that were found to be fraudulent.
- Identifying information presented that is consistent with fraudulent activity (example: invalid phone number or fictitious billing address).

Next Step:

1. Advise the customer there appears to be a discrepancy with their documentation and they will have to provide validation of their identity before the transaction can be completed.

2. In the case of an address discrepancy, require the customer to bring in proper documentation such as a picture ID, pay stub or W2. You must be satisfied the address is correct before proceeding with the transaction.

Mitigation:

1. Contact the customer, do not open a new account or close an existing account until you have validated the customer's identity.

- An address or phone number presented that is the same as that of another person.

Next Step:

1. Ask customer to verify address / phone number and / or bring in Photo ID.

Mitigation:

1. Do not proceed with any transaction if there is doubt about a customer's identity.

- A person fails to provide complete personal identifying information on an application or in response to notification that an application is incomplete.

Next Step:

1. Check the billing system for any other customers that may have made a similar attempt to obtain service at that address and ask customer to bring in photo ID.

Mitigation:

1. Do not proceed with any transaction if there is doubt about a customer's identity.

III. SUSPICIOUS ACCOUNT ACTIVITY OR UNUSUAL USE OF ACCOUNT

- Change of address for an account followed by a request to change the account holder's name.
- Payments stop on an otherwise consistently up-to-date account.
- Account used in a way that is not consistent with prior use (example: very high activity).
- Mail sent to the account holder is repeatedly returned as undeliverable.
- Notice that a customer is not receiving mail sent by the City of Troy.
- Notice that an account has unauthorized activity.

Next Step:

1. Review the account, check for notes and check to see if the customer has been in contact with us.

Mitigation:

1. Contact the customer and advise them of the unusual activity.

IV. NOTICE FROM CUSTOMERS, VICTIMS OF IDENTITY THEFT, LAW ENFORCEMENT AUTHORITIES OR ANY PERSONS REGARDING POSSIBLE IDENTITY THEFT

- The City of Troy is notified by a customer, victim of identity theft, law enforcement authority or any other person that the City of Troy has opened a fraudulent account for a person engaged in identity theft.

Next Step:

1. Get a copy of the police report and check with the customer to validate their ID and check for accuracy and errors.
2. Review to determine if the account should be closed.

Mitigation:

1. Possibly close the account. Contact the customer; change any passwords, security codes or other devices that permit access to the account. Do not attempt to collect on an account, and do not sell it.

SPECIFIC PROGRAM ELEMENTS AND CONFIDENTIALITY

For the effectiveness of Identity Theft Prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the City of Troy's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices shall be limited to the Privacy Committee and those employees who need to know them for purposes of preventing identity theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program's general red flag detection, implementation and prevention practices are listed in this document.



CITY COUNCIL ACTION REPORT

Date April 13, 2009

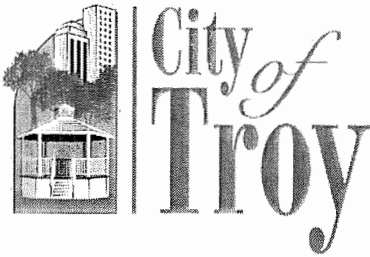
TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Carol Anderson, Parks and Recreation Director

SUBJECT: Authorization for Request for Reimbursement – Oakland County West Nile Virus Fund

Background:

- Oakland County has designated funds \$300,000.00 for the West Nile Virus Fund to be distributed to assist cities in reducing the population of infected mosquitoes in the environment.
- The portion of the annual West Nile Virus Fund appropriation available upon application to each Oakland County City has been established by a formula based on total population (75%) and total square miles (25%).
- Based on the County formula the City of Troy is eligible for \$18,034.74
- To qualify for reimbursement of eligible expenses, City Council must pass a resolution authorizing the reimbursement request.



CITY COUNCIL ACTION REPORT

April 7, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer
Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC

SUBJECT: Request for Acceptance of Permanent Public Utility Easement
Rochester Road Improvements, Torpey to Barclay
Project No. 99.203.5 – Parcel #53 – Sidwell #88-20-15-477-015
Prashant S. Chaudhari and Purnima Chaudhari

Background:

In connection with the proposed improvements to Rochester Road, from Torpey to Barclay, the Real Estate & Development Department received a Permanent Public Utility Easement from Prashant S. Chaudhari and Purnima Chaudhari, owners of the property at 992 Barclay. This parcel is located at the southwest corner of Barclay and Rochester Road, in the southeast ¼ of Section 15.

Financial Considerations:

- An appraisal was prepared by Raymond V. Bologna, CRE, MAI, Certified General Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser. Staff believes that \$3,525 for the Permanent Public Utility Easement is a justifiable amount for this acquisition.
- We have also agreed to pay the property owners \$8,519 for the installation of a new fence, in the event that the existing fence needs to be removed as part of this project.
- Eighty percent of this cost will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2008-09 Major Road fund, account number 401479.7989.992035.

Legal Considerations:

- The format and content of the easement is consistent with documents previously accepted by City Council.

Policy Considerations:

- The purpose of this project is to relieve congestion, improve safety and improve the flow of traffic. (Outcome Statements I, II and III)

Options:

- City Management recommends that City Council accept the attached Permanent Public Utility Easement from Prashant S. and Purnima Chaudhari, so that the City can proceed with this project.

PERMANENT UTILITY EASEMENT

Sidwell #88-20-15-477-015
Parcel #53

Prashant S. Chaudhari and Purnima Chaudhari, husband and wife, Grantors, whose address is: 992 Barclay, Troy, MI 48085 for and in consideration of the sum of: Three Thousand, Five Hundred, Twenty-Five and no/100 Dollars (\$3,525) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084 grants to the Grantee a utility easement, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

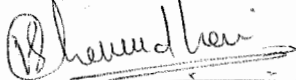
SEE ATTACHED EXHIBIT "A"

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. In the event that the fence needs to be removed as part of the Rochester Road Improvement Project, Torpey to Barclay (Project No. 99.203.5), in addition to the amount listed above, the City of Troy agrees to pay the property owners Eight Thousand, Five Hundred, Nineteen and no/100 Dollars (\$8,519); and that the property owners can install a new fence at the same location at their expense, and after the completion of the project. In the event that the fence needs to be removed for more than 30 days, the City of Troy agrees to install a Temporary Fence at the western boundary of the easement area for the duration of the construction period. The City of Troy shall remove the temporary fence at the completion of the project.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed THEIR signature(s) this 31ST day of MARCH, 2009.

 (L.S.)

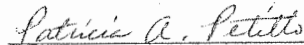
*Prashant S. Chaudhari

 (L.S.)

*Purnima Chaudhari

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 31ST day of MARCH, 2009, by Prashant S. Chaudhari and Purnima Chaudhari, husband and wife.


*PATRICIA A. PETITTO
Notary Public, OAKLAND County, Michigan

Acting in OAKLAND County, Michigan

My Commission Expires 12-31-11

Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

02-29-08
19990476
20-15-477-015

EXHIBIT 'A'

DESCRIPTION OF PUBLIC UTILITY EASEMENT

The East 12.00 feet of Lot 124 "Cypress Gardens Subdivision" part of the Southeast $\frac{1}{4}$ of Section 15, T2N, R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 126 of Plats, Page 7, 8 and 9, Oakland county Records.
Said easement contains 1,593 square feet, or 0.037 acres, more or less.

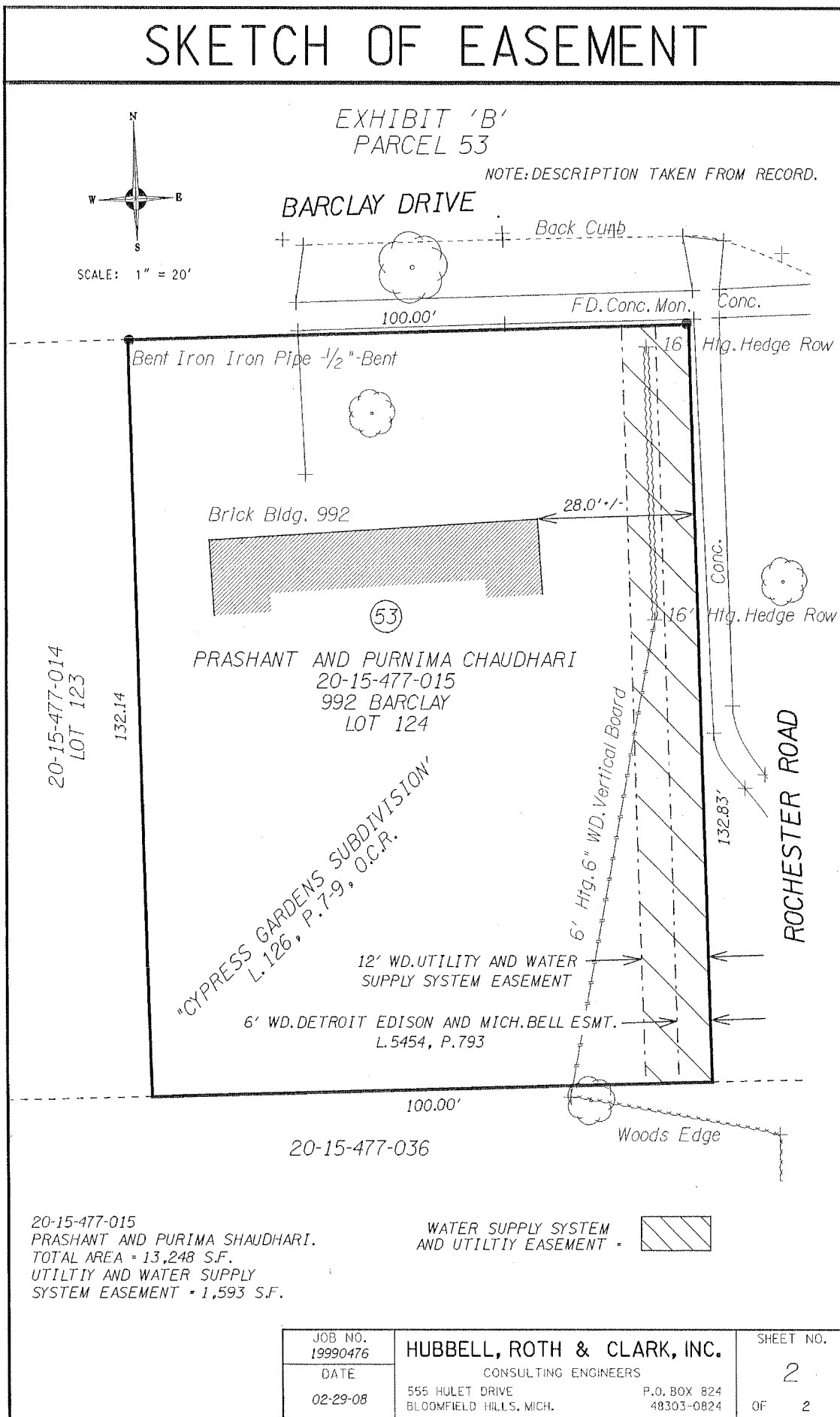
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2004-05-01 10:00 AM





CITY COUNCIL ACTION REPORT

April 7, 2009

TO: John Szerlag, Acting City Manager

FROM: Gary G. Mayer, Chief of Police
William Nelson, Fire Chief

SUBJECT: Request to Temporarily Waive Parking Restrictions

Background:

- The Congregation Shir Tikvah is requesting that the parking restrictions on the East side of Northfield Parkway from the entrance of Boulan Park to the entrance of the synagogue be waived on the following date and time:
 - Saturday, April 25, 2009, 7:00 PM – 11:00 PM
- Congregation Shir Tikvah is hosting a Klezmer/Gospel Concert; although they have arranged for additional parking at Stonehaven Church on Wattles Road, they fear they will not have sufficient parking space for all attendees.
- The waiving of the restrictions would allow attendees to park on the dirt shoulder of Northfield Parkway.
- Congregation Shir Tikvah makes such requests and is granted a variance regularly; no problems have ever been reported.

Financial Considerations:

- N/A

Legal Considerations:

- City Ordinance prohibits parking on Northfield Parkway; therefore, City Council action is required to grant a variance.

Policy Considerations:

- City of Troy Goal #1 - Enhance the livability and safety of the community.

CITY OF TROY

NOTICE OF PUBLIC HEARING
ON PROPOSED CITY BUDGET

In accordance with Section 8.3 of the Charter of the City of Troy, notice is hereby given that the City Council will conduct a Public Hearing on the budget for the fiscal year 2009-2010 at City Hall, 500 W. Big Beaver, Troy, Michigan, on May 11, 2009 at 7:30 PM, or as soon thereafter as the agenda will permit.

The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing.

A copy of the proposed budget, will be on file in the City Clerk's office and the City Public Library for inspection by the public during regular office hours for one week prior to the public hearing and is also available on the City's website (www.troymi.gov).

Tonni L. Bartholomew, MMC
City Clerk

(Please publish on April 26, and May 3, 2009)

Note: (The bold face type must be 11 point)



CITY COUNCIL REPORT

DATE: April 13, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian Murphy, Assistant City Manager/ Economic Development Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Update of Chapter 82 of the Troy City Code
Property Maintenance Code

Background:

- The current provisions of the Troy Property Maintenance Code adopts, by reference, the 1993 Edition of the BOCA Property Maintenance Code.
- This document is no longer in print and is not available to the public.
- In August of 2008 the 2006 editions of the Michigan Building Codes went into effect.
- We have prepared for adoption an updated Property Maintenance Code that is based upon the 2006 edition of the ICC Property Maintenance Code.
- We are also proposing changes to the base document to address and consolidate other provisions of the Troy Ordinances.
- Because the length of the document is not too large, we are proposing to include the entire text of the ordinance rather than adopting by reference and just printing the amendments to the base document. We believe that this will result in an Ordinance that is easier to read, more coordinated, and more user friendly.
- Some of the highlights of the proposed changes include:
 - Updating to the latest versions of the referenced code documents.
 - Better coordination with Troy Municipal Civil Infractions Ordinance.
 - Including Dangerous Building provisions allowing for the deletion of Chapter 82A.
 - Including Weed provisions allowing for the deletion of Chapter 89.
 - Requiring for weed maintenance for right of way adjacent to County and City right of way.
 - Including Litter provisions allowing for the deletion of portions of Chapter 48.
 - Include provisions for Junk Vehicles allowing deletion of portions of Chapter 88.
 - Including new language regarding providing containers for personal property for evictions (crafted after similar provisions of City of Detroit Ordinance Language).
 - Better language for requiring exterior painting and addressing graffiti.
- We will be forwarding adoption language for Council's consideration at a future meeting.
- Please forward any questions to staff that you might have regarding the proposed language.

Financial Considerations:

- There are no financial Considerations

Legal Considerations:

- City Council has the authority to adopt a Property Maintenance Code under the City Charter and the Home Rule Cities Act

Policy Considerations:

- Troy enhances the health and safety of the community (Outcome I)

Options:

- There are no options at this time.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 82 OF THE CODE OF
THE CITY OF TROY

The City of Troy ordains:

Section 1. Adoption of the ICC Property Maintenance Code, 2006 Edition.

Adoption of the ICC Property Maintenance Code, 2006 Edition. The ICC Property Maintenance Code, 2006 Edition, including its appendices, is hereby adopted as set out herein with certain additions, insertions, deletions and changes prescribed in Chapter 82 of this Ordinance and shall read as follows:

CHAPTER 1. ADMINISTRATION

101. GENERAL.

101.1 Title. These regulations shall be known as the *Property Maintenance Code* of the City of Troy, hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102. APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was

constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *Michigan Building Code*, *International Fuel Gas Code*, *Michigan Mechanical Code*, *Michigan Plumbing Code*, and the *Michigan Electrical Code*. Nothing in this code shall be construed to cancel, modify or set aside any zoning provisions of *Chapter 39 of the Troy Code of Ordinances*.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes, ordinances, and standards. The codes, ordinances, and standards referenced in this code shall be those that are listed in Chapter 8 of this Ordinance and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

SECTION 103. BUILDING DEPARTMENT

103.1 General. The Building Department is hereby designated as the City of Troy enforcement division of this code and shall be known as the department and the Director of Building and Zoning shall be known as the code official.

103.2 Deputies. In accordance with the prescribed procedures of this jurisdiction, the City Manager shall have the authority to appoint the code official, other related technical officers, inspectors and other employees.

103.4 Liability. The code official and fire official, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any code official or fire official because of an act performed by that official in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or fire official shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any official of the department, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be set from time to time by resolution of the Troy City Council.

SECTION 104. DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official shall enforce the provisions of this code.

104.2 Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the purchasing requirements of the *Troy City Charter*.

104.3.1 Multiple Family Dwellings. Structures with three or more dwelling units are subject to periodic inspections to insure compliance with this code as set forth in *Chapter 82A of the City of Troy Code of Ordinances*

104.4 Right of entry. The code official and his or her designated representatives are authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

SECTION 105. APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

105.3.2 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

SECTION 106. VIOLATIONS AND PENALTIES

106.1 Unlawful acts and prosecution of violations. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code. A violation of this Ordinance shall be prosecuted as a municipal civil infraction pursuant to *Chapter 100 of the City of Troy Code of Ordinances*.

106.2 Separate offense and violation penalties. Any person who violates a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after a notice of violation has been issued shall be deemed a separate offense. Penalties shall be assessed as provided in *Chapter 100 of the City of Troy Code of Ordinances*.

106.3 Abatement of violation The issuance of a Municipal Ordinance Violation Notice or a Municipal Ordinance citation or the imposition of penalties pursuant to *Chapter 100 of the City of Troy Code of Ordinances* shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises or to take any other legal action or remedy under law.

SECTION 107. NOTICES AND CITATIONS

107.1 Notice or Citation to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred a Municipal Civil Infraction Notice or a Municipal Civil Infraction Citation may be given in the manner prescribed in *Chapter 100 of the City of Troy Code of Ordinances* to the person responsible for the violation as specified in this code.

107.2 Form and Method of Service. A Municipal Civil Infraction Notice or Municipal Civil Infraction Citation shall be in a form prescribed in *Chapter 100 of the City of Troy Code of Ordinances* and shall be served in a method prescribed by Chapter 100.

107.3 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a notice of violation, or an order from the court requiring compliance, to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another person until the code violations or the provisions of the order from the court requiring compliance have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice of violation or violation issued by the code official or his or her designated representative or order of the court requiring compliance and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation, or order of the court requiring compliance and fully accepting the responsibility without condition for making the corrections or repairs required by such notice of violation, or order of the court requiring compliance.

SECTION 108. DANGEROUS BUILDINGS, UNSAFE STRUCTURES, UNSAFE EQUIPMENT AND DEMOLITION

108.1 General. The procedures set forth in this Section are established in the public interest to secure the health and safety of the occupants of dwellings and structures and the general public. The code official shall enforce the provisions of this Section, and shall have jurisdiction to establish the inspection and violation procedures to implement enforcement. This Section or code does not preclude enforcement by any other governmental agency with jurisdiction over dangerous buildings, unsafe structures or unsafe equipment from exercising their powers. This Section may be enforced by both the City of Troy and any other governmental agency by joint agreement where joint agreement is practical.

108.1a Unlawful to maintain dangerous building, unsafe structure or unsafe equipment. It is unlawful for any owner to keep or maintain any building, structure or equipment or part thereof in a dangerous or unsafe manner as set forth in Section 108.1.1.

108.1b Owners subject to ordinance. All owners shall be subject to the provisions of this ordinance and shall be parties to all proceedings, actions, or prosecutions for dangerous buildings, unsafe structures and/or unsafe equipment.

108.1.1 Dangerous or Unsafe Building or structure. A dangerous or unsafe building or structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. A dangerous building or unsafe structure is a building or structure which has one or more of the following defects or is in one or more of the following conditions:

- a. A door, aisle, passageway, stairway or other means of exit does not conform to the approved *Troy Fire Code*.
- b. A portion of the building or structure is damaged by fire, wind, flood, or other cause in such a manner that the structural strength or stability of the building is appreciably less than it was before such catastrophe and does not meet the minimum requirements of the City of Troy Ordinances.
- c. A portion of the building or structure has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required for new construction under the City of Troy Ordinances.
- d. The building or structure or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for support or for other reason, is likely to partially or completely collapse, or become detached, or some

portion of the foundation or underpinning of the building or structure is likely to fall or give way.

e. The building, structure, or part of the building or structure is manifestly unsafe for the purpose for which it is intended to be used.

f. The building or structure is vacant, dilapidated and open at any door or window leaving the interior of the building exposed to the elements or accessible to entrance by trespassers or otherwise becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.

g. A residence or the adjoining grounds of a building or structure which is used or intended to be used for dwelling purposes is unsanitary or unfit for human habitation, due to dilapidation, decay, damage, or faulty construction or arrangement or otherwise is in a condition that the code official determines is likely to cause sickness or disease or is likely to injure the health, continued safety or general welfare of people living in or near the residence.

h. An owner has been previously notified of existing code violation(s), according to the provisions of the Troy Code of Ordinances and after said notice has left the structure unattended or unoccupied, whether boarded up or in an open condition, for a period exceeding thirty (30) days, then the structure shall be declared a dangerous building or unsafe structure.

i. A building or structure is unfit for human occupancy such that the building or structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

j. A building or structure found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.1.1.1. Notice of dangerous and unsafe building structure or condition. When the whole or part of any building or structure is found to be a dangerous or unsafe building or structure, the code official shall issue a notice declaring that the building or structure is a dangerous or unsafe building or structure. The notice shall itemize the current code violation(s) and dangerous condition(s) and specify a time to complete all necessary repairs or demolish of the building or structure.

108.1.1.2 Service of Notice. The notice shall be served on the owner of record or the registered agent in the following manner:

1. Delivered personally;

2. Sent by certified or first-class mail addressed to the last known address.

If the owner cannot be found, the notice may be served by posting it on the property and publishing it once a week for three (3) consecutive weeks in a newspaper authorized to provide service by publication. This service of notice under this provision shall supersede *Chapter 100 of the City of Troy Code of Ordinances*.

108.1.1.3 Contents of Notice. The notice shall specify the right of the owner to appeal to City Council, the dangerous or unsafe building or structure determination of the code official. The notice shall also set forth the administrative appeal procedure, including the requirement that any appeal under this Section shall be filed in writing to the code official within ten (10) days of service of the notice.

108.1.1.4 Waiver of Hearing. If a written appeal of the dangerous or unsafe building or structure determination is not received within ten (10) days of the date of service of the notice, then a public hearing will not be necessary, and the matter shall be referred to the City Council for resolution.

108.1.1.5 Public Hearing. If a written appeal of the dangerous or unsafe building or structure determination is received within the allocated ten (10) day period, then a public hearing will be scheduled before the City Council as soon as administratively possible. At the public hearing, the City Council shall take the testimony from the code official and his authorized representatives and employees, testimony from the owner of the property and any other interested party to determine whether the building or structure constitutes a dangerous building or structure pursuant to the City of Troy Code of Ordinances.

108.1.1.6 City Council action. If it is determined by the City Council that the building or structure is a dangerous or unsafe building or structure and therefore should be demolished or made habitable, Council shall order demolition or that all necessary repairs be completed. The repairs shall be ordered to be completed by a specified time, which shall not exceed 21 days after the hearing and/or resolution.

108.1.1.7 Failure to demolish or repair. If the ordered demolition or repairs are not completed within the allocated time period, as set forth in the resolution, City Council can then authorize any and all necessary action to enforce their order. This includes, but is not limited to, causing the building or structure or any part of the building or structure to be razed and removed either through an available public agency or by contract or arrangement with private persons, and cost of such razing and removal shall be charged against the real property upon which the building or structure is located and shall be a lien upon such real property. Such lien shall be enforced against the real property as a special assessment.

108.1.1.8 Recovery of City's cost. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the cost of the necessary repairs or demolition by first class mail at the address shown on the records. If the owner fails to pay the same within thirty (30) days after mailing by the

Assessor of the notice of the amount due, the Assessor shall add the same to the next tax roll of the City of Troy, and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the City of Troy. The City Council shall also have the option of initiating a lawsuit to recover the City's full cost of necessary repairs or demolition. If the City receives a favorable judgment, then the judgment may be assessed against all of the assets of the owner of the property, both real and personal, not just the real property that is the subject of the dangerous or unsafe building or structure determination.

108.1.1.9 Salvage materials. When any building or structure has been ordered demolished and removed, the City of Troy shall have the right to sell, either through the City or through a contractor hired by the City, the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted to the property owner with a report of such sale or transaction, including the items of expense and the amounts deducted, subject to any order of a court. If there is no surplus, the report shall so state.

108.1.1.10 Appeal to Circuit Court. An owner aggrieved by any final decision or order of the City Council, made pursuant to the City of Troy Code of Ordinances, may appeal the decision or order to the Circuit Court within twenty (20) days from the date of the decision.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.2 Closing of vacant buildings and structures. If a building or structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real property upon which the structure is located and shall be a lien upon such real property and may be collected by any other legal resource.

108.3 Posting Notice. Whenever the code official has declared a building, structure or equipment dangerous or unsafe under the provisions of this section, notice shall be posted in a conspicuous place in or about the building or structure affected by such notice or placed on the unsafe equipment.

108.4 Placarding. The code official shall post on the premises or on defective equipment a placard bearing the words "Dangerous Building" or "Unsafe Building" or "Dangerous Structure" or "Unsafe Structure" or "Dangerous Equipment" or "Unsafe

Equipment” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The code official shall remove the placard whenever the defect or defects upon which the determination of dangerous or unsafe building, structure or equipment and placarding action were based have been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied building or structure determined to be dangerous or unsafe and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION 109. EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the code official or fire official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any building or structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official or fire official are hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such building or structure a notice declaring the building or structure unsafe and prohibiting occupancy. It shall be unlawful for any person to enter such building or structure except for the purpose of securing the building or structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.2a Abating a nuisance. The code official or fire official shall have the power without preliminary notice as may otherwise be required in the City of Troy Code of Ordinances to abate any public nuisance from any dangerous building or structure if the public safety shall require immediate action due to a distinct hazard to life or property. The costs of abating such public nuisance shall be charged against the owner or occupant of the premises and payment thereof shall be enforced as a special assessment against the real property.

109.3 Closing streets. When necessary for public safety, the code official shall temporarily close buildings and structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe building or structure is or was located for the recovery of such costs. The costs of abating a public nuisance shall be charged against the owner(s) or occupant of the premises and payment thereof shall be enforced as a special assessment against the real property.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Building Code Board of Appeals, be afforded a hearing as described in Section 111 within twenty (20) days of the decision of the code official.

SECTION 111. MEANS OF APPEAL

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice of violation issued under this code shall have the right to appeal to the Building Code Board of Appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, or notice of violation was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Membership of Building Code Board of Appeals. The authority, membership, procedures, and compensation of the Building Code Board of Appeals is set out in Section 116 of *Chapter 79, the City of Troy Code of Ordinances*.

111.3 Court review. Any person, whether or not a previous party of the appeal, shall have the right to appeal to the appropriate court. Appeals shall be made in the manner and time required by law following the filing of the decision of the Building Code Board of Appeals.

111.4 Stays of enforcement. Appeals of notice and orders of the code official (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Building Code Board of Appeals.

CHAPTER 2. DEFINITIONS

SECTION 201. GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *Michigan Building Code*, *Troy Fire Code*, *Troy Zoning Ordinance*, *Michigan Plumbing Code*, *Michigan Mechanical Code* or the *Michigan Electrical Code*, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

SECTION 202. GENERAL DEFINITIONS

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CITY COUNCIL. The Troy City Council.

CODE OFFICIAL. The City of Troy Director of Building and Zoning, or his/her designee or any duly authorized representatives, is the code official charged with the administration and enforcement of this code. Any reference in this Ordinance to the “code official” shall include the City of Troy Director of Building and Zoning, and his/her designees and any duly authorized representatives.

COMMON PROPERTY. Property commonly owned by a number of individuals in a condominium development (including site condominium), subdivision or other form of development with common areas, such as cul-de-sacs, traffic medians, boulevard, islands, parks, playgrounds, detention and retention areas, open space or other common areas.

DWELLING UNIT. A residential structure, or portion thereof, permanently sited on a continuous frost-free masonry foundation, containing all required plumbing, heating and electrical systems attached to the available public utilities, designed for the occupancy of one (1) family with cooking facilities

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above a said lot or lots.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water source by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

FIRE OFFICIAL. The City of Troy Fire Chief, or his/her designee or any duly authorized representatives, is the fire official charged with the administration and enforcement of this code. Any reference in this Ordinance to the "fire official" shall include the City of Troy Fire Chief, and his/her designees and any duly authorized representatives.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any owner, occupant, tenant, lessee, landlord, agent or person who has charge, care, control or responsibility over a structure, premises or any private property which is let or offered for occupancy.

OWNER. Any person, partnership, association, agent, operator, firm or corporation and/or their legal successors and assigns having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control or responsibility over the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISE. A lot, plot or parcel of land, easement or public way, including any structures thereon also including such portions of any street dedicated for public use that would be attached to the owner's property upon vacation of the public rights to the street that are not otherwise paved or improved. Premise includes easements or rights-of-way owned by the City, and county roads-

PRESERVATION OR RESTORATION AREA. All or a portion of a premise managed to preserve or restore native Michigan grasses, native trees, shrubs, wildflowers, and aquatic plants, including but not limited to, indian grass (*Sorghastrum nutans*), prairie cordgrass (*Spartina pectinata*), prairie dropseed (*Sporobolus heterolepis*), rice cut grass (*Leersia oryzoides*), panic grass (*Panicum implicatum*), switch grass (*Panicum virgatum*), riverbank wild-rye (*Elymus riparius*), purple love grass or tumble grass (*Eragrostis spectabilis*), fowl manna grass (*Glyceria striata*), bottlebrush grass (*Hystrix patula*), big bluestem (*Andropogon gerardii*), long-awned wood grass (*Brachyelytrum erectum*) and blue-joint grass (*Calamagrostis canadensis*); an oldfield succession of native and non-native plants; or a combination of these.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STORY. That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is not a floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height level of the adjoining ground.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

TURF GRASS. Grass commonly used in regularly-cut lawns or play areas, including but not limited to, bluegrass, fescue, and ryegrass blends.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WEEDS. Noxious weeds as defined under Michigan law (MCL 247.62) but not limited to:

1. Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrots (*Daucus carota*), bindweed (*Convolvulus arvensis*),

perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* 1.); and poison ivy (*Rhus toxicodendron*), and poison sumac (*Toxicodendron vernix*)

2. Any other varieties, species or plant growth designated by the City as poisonous, injurious and/or regarded as a common nuisance in the opinion of the City.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 3. GENERAL REQUIREMENTS

SECTION 301. GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302. EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Turf Grass, Weeds and Plant Growth.

302.4.1 Weeds and Grass. The presence of turf grass and/or weed exceeding ten (10) inches in height on any premises in the City is hereby declared to be a nuisance. The owner, occupant or any person having control or management of any premises is required to cut turf grass and weeds on the premises to a height not to exceed ten (10) inches.

Exceptions:

- 1) Preservation or Restoration Areas are allowed to exceed ten (10) inches in height if those areas do not contain any turf grass and/or weeds.
- 2) Areas declared to be wetland or preservation areas by the Michigan Department of Natural Resources or the Michigan Department of Environmental Quality are allowed to exceed ten (10) inches in height.
- 3) Cultivated flowers and gardens or fields devoted to growing any small grain crop such as wheats, oats, barley or rye.

302.4.2 Duty of Owner to abate. It shall be the duty of the owner, occupant or any person having control or management of any premises within the City upon which weeds are found growing or standing, to cut and destroy or cause to be cut and destroyed all such weeds in such a manner as to prevent such weeds from perpetuating themselves or going to seed.

302.4.3 Failure to abate. Upon failure of the owner, occupant or any person having control or management of any premises to cut turf grass and/or weeds and to take action to prevent such weeds from perpetuating, the owner, occupant or any person having control or management of the premises shall be subject to prosecution as prescribed in *Chapter 100 of the City of Troy Code of Ordinances*. Additionally the City may enter onto said premises as many times as necessary between May 1st to November 1st to cut turf grass and/or weeds or treat weeds.

302.4.4 Published Notice. It shall be the duty of the Public Works Director, or his/her designee, to give general notice to every owner, occupant, or person having control or management of any premises of the cutting and weed prevention requirements of this section. Such duty shall be satisfied if publication is made of the cutting and weed prevention requirements in the official newspaper of general circulation in the City during the month of March notifying the owners, occupants or persons having control or management of any premises that failure to cut turf grass or weeds or failure to prevent the perpetuation of weeds as required under this section during the period of May 1 to November 1 of each year, may result in the issuance of a Municipal Civil Infraction Notice or Citation under *Chapter 100 of the City of Troy Code of Ordinances* and/or the

entry on the premises by the City to cut said turf grass and/or weeds or to prevent the perpetuation of weeds. The general notice shall also inform owners, occupant and persons having control or management of any premises that if the City is required to enter onto the premises to cut turf grass and/or weeds or to take an action to prevent the perpetuation of weeds, the property owner designated on the City assessment or tax rolls shall be assessed for the cost to the City. The City may enter onto said premises as many times as necessary between May 1st to November 1st to cut turf grass and/or weeds or treat weeds and charge the cost to the property owner for each such cutting or treatment. The City has the discretion to send via First Class mail a ten (10) day notice to the last property owner of record and/or to attach a notice to the premises stating that the City intends to cut said turf grass and/or weeds or treat weeds. If the turf grass and/or weeds are not cut or the weeds are not treated, within ten (10) days from the date of the notice, the City may proceed to cut the turf grasses and/or weeds or treat the weeds. Failure to send such a warning notice does not in any way prevent the City from entering on the premises to cut turf grass and/or weeds or to treat weeds if a general notice has been published as set out herein.

302.4.5 Recovery of Cost by City. The Department of Public Works Director, or his/her designee, is hereby authorized and directed to keep accurate accounts of all reasonable expenses incurred by the City to abate the nuisance. The Department of Public Works Director, and/or his designee, is hereby authorized to include in its cost of recovery the following: wages, overtime wages, fringe benefits, cost of use of equipment, supplies, materials, and a ten (10) percent administration charge to cover the expense of administering the work performed. The Department of Public Works, or his/her designee, shall cause to be prepared an invoice of total charges for each premises and forward those invoices to the City Treasurer. Within ten (10) days after receipt of an invoice the City Treasurer shall cause to be forwarded to the person of record on the last current assessment or tax roll a statement of the total charges assessed on each premises. Payment of each statement shall be made within thirty (30) days from the date the statement was mailed by First Class mail. If not paid within thirty (30) days the total amount charged shall become an assessment against the land and become a lien against the property.

302.4.6 Common Property. If property is held as common property such as, but not limited to, common areas of a condominium development (including a site condominium), subdivision, or other form of development for which the City is unable to determine pursuant to assessment or tax records, the occupant or person having control or management over a common area, such as a cul-de-sac, traffic medians, boulevard, island, parks, playgrounds, detention and retention areas, open space or any other common area, the City may enter onto the common property to abate any nuisance of a type set out in this section and prepare statements pro-rating the costs incurred by the City for each individual property owner in the condominium development, subdivision or other individual owner in a development with common property. Each owner shall be sent a statement for their specific pro-rated portion by the City Treasurer. If not timely paid, the total amount charged shall become an assessment against that particular property for that pro-rated shared.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. No person whether he be the owner, tenant or manager of private property, or whether he be the last registered owner of the vehicle or transferee on a bill of sale covering the vehicle, shall permit the accumulation of one or more vehicles outside of a completely enclosed building for a period of more than fourteen (14) days which is not in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code being MCL 257.1 through 257.925. These minimum conditions, will include, but are not limited to, an engine that runs, four wheels and four pneumatic tires capable of holding air working battery, and current license plates.

Exception: Any person enumerated in this section who, under special conditions of hardship, or for valid reasons such as the preservation of a historic or classic vehicle, may request an extension of the fourteen (14) day limitation above described by filing a timely request with Director of Building and Zoning who may, after review of all of the circumstances, grant a reasonable extension of time for compliance.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to remove or obliterate markings, carvings, or graffiti.

SECTION 303. SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, capable of holding water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. No

existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304. EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Premise identification. Buildings shall have approved address numbers as required by *Chapter 2 of the City of Troy Code of Ordinances*.

304.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from April 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly

secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

SECTION 305. INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306. HANDRAILS AND GUARDRAILS

306.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 307. RUBBISH AND GARBAGE

307.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

307.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

307.2.1 Rubbish storage facilities. The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

307.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

307.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

307.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; or an approved leak proof, covered, outside garbage container.

307.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

307.4. Rubbish removal after eviction notice for landlord/tenant or foreclosure.

When a tenant is evicted by court order or a occupant is evicted or removed under a foreclosure proceeding, the owner or operator shall place a large movable container or receptacle on the private property which holds at least 6 cubic yards and can be mechanically emptied for disposal purposes of the tenant or occupant's personal property such as but not limited to household furniture, appliances, clothing, rugs, window treatments, books and paper products and personal goods. At no time shall any part of the container be placed on any public area adjacent to the private property.

307.4.1 Type of container. The tenant's or occupant's personal property shall be placed and disposed of only in the large movable container of sufficient size to hold personal property removed from the residence provided that the container shall be of the type which will allow access from its side as opposed to access solely through the top of the container.

307.4.2 Removal of container. The container shall be removed from the real property within forty-eight (48) hours of its placement

307.4.3 Blight violation. In the event that a container is not used, in whole or in part, for disposal of the tenant's or occupant's personal property and that property is improperly placed elsewhere on the property, the owner, operator or other person in violation of this Section is subject to immediate issuance of a Municipal Civil Infraction Notice or a Municipal Civil Infraction Citation pursuant to *Chapter 100 of the City of Troy Code of Ordinances*.

307.4.4 Cost Recovery. In addition to any other penalties set out in the Troy Code of Ordinances, if the City of Troy incurs any costs to remove solid waste from property resulting from an eviction or foreclosure proceeding, The owner and the operator shall be notified by first class mail of the cost of the removal, including but not limited to, the cost of labor for removal of the solid waste and the cost of the use or rental of the container. If the owner or operator fails to pay the same within thirty (30) days after mailing by the City of Troy of the notice of the amount due, the City shall add the same to the next tax roll of the City of Troy, and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the City of Troy. The City Council shall also have the option of initiating a lawsuit to recover the City's full cost of necessary expenses. If the City receives a favorable judgment, then the judgment may be assessed against all of the assets of the owner of the property, both real and personal, not just the real property where the removal of solid waste occurred.

SECTION 308. EXTERMINATION

308.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

308.2 Responsibility. The owner, occupant, or any person having control of any structure or premises shall be responsible for extermination.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

CHAPTER 4. LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401. GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *Michigan Building Code* shall be permitted.

SECTION 402. LIGHT

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be

greater than 30 feet. In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot-candle at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403. VENTILATION

403.1 Habitable spaces. Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

SECTION 404. OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet.

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.
2. Basement rooms in one and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.

404.4 Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain at least 120 square feet and every bedroom shall contain at least 70 square feet.

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5. PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501. GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

SECTION 502. REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe

working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

SECTION 503. TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet. Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet from the employees' regular working area to the facilities.

503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504. PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be

capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505. WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Michigan Plumbing Code*.

505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506. SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

SECTION 507. STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, sub soil collection systems, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6. MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601. GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602. HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *Michigan Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F, a minimum temperature of 65°F shall be maintained.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1 to June 1 to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *Michigan Plumbing Code*.

2. In areas where the average monthly temperature is above 30°F a minimum temperature of 65°F shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to June 1 to maintain a temperature of not less than 65°F during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

SECTION 603. MECHANICAL

EQUIPMENT 603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

603.7 Portable cooking equipment Unless otherwise approved, portable cooking equipment shall not be used on the interior of a structure in any area other than an area designated as a cooking room.

SECTION 604. ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *Michigan Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 605. ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

SECTION 606. ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607. DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7. FIRE SAFETY REQUIREMENTS

SECTION 701. GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702 MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *Fire Prevention Code of the City of Troy, Chapter 93 of the Troy Code of Ordinances*, hereafter referred to as the *Troy Fire Code*.

702.2 Aisles. The required width of aisles in accordance with the *Troy Fire Code* shall be unobstructed.

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *Michigan Building Code*.

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703. FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704. FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *Troy Fire Code*.

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *Troy Fire Code*.

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.

2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

CHAPTER 8. REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

American Society of Mechanical Engineers Three Park Avenue New York, NY 10016-5990		
ASME		
Standard reference number	Title	Referenced in code section number
A17.1—2000	Safety Code for Elevators and Escalators with A17.1a 2002 Addenda	606.1
ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2959		
ASTM		
Standard reference number	Title	Referenced in code section number
F1346—91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2
Michigan Department of Energy Labor and Economic Growth Bureau of Construction Codes 2501 Woodlake Circle Okemos, MI 48864		
DELEG		
Standard reference number	Title	Referenced in code section number
MEC—06	Michigan Electrical Code	102.3, 201.3, 604.2
MBC—06	Michigan Building Code	102.3, 201.3, 401.3, 702.3
IMC—06	Michigan Mechanical Code	102.3, 201.3
IPC—06	Michigan Plumbing Code	102.3, 201.3, 505.1, 602.2, 602.3

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City of Troy	City of Troy 500 W. Big Beaver Troy, MI 48084	
Standard reference number	Title	Referenced in code section number
Charter	Charter of the City of Troy	104.3
Chapter 2	Address Numbering and Street Naming	304.3
Chapter 39	Troy Zoning Ordinance	102.3, 201.3
Chapter 79	General Building Regulations	111.2
Chapter 82A	Rental and Dwelling Inspection and Enforcement	104.3.1
Chapter 88	Nuisances	302.8
Chapter 93	Troy Fire Prevention Code	108.1, 201.3, 702.1, 702.2, 704.1 704.2
Chapter 100	Municipal Civil Infractions	106.1, 106.2, 106.3, 107.1, 107.2, 108.1.1.2, 302.4.3, 302.4.4, 307.4.3
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ICC	International Code Council 5203 Leesburg Pike, Suite 600 Falls Church, VA 22041	
Standard reference number	Title	Referenced in code section number
IFGC-06	International Fuel Gas Code	102.3

Section 2. Savings .

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 3. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 4. Effective Date

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2009.

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk



CITY COUNCIL ACTION ITEM

Date April 16, 2009

TO: Mayor and City Council

FROM: John Szerlag, Acting City Manager
Lori Grigg Bluhm, City Attorney
Tonni L. Bartholomew, City Clerk

SUBJECT: Charter Revision Committee Recommendation of Proposed Ballot Language Proposed Amendment to Section 6.2(g) – Vacancies in Elective Office

Background:

- The Charter Revision Committee met on Friday, March 20, 2009, to review a possible amendment to the City Charter Section 6.2(g) - Vacancies in Elective Office. Attached is a draft copy of the minutes and agenda backup documentation from the meeting of March 20th.
- The Charter Revision Committee reviewed Section 6.2(g) of the Charter, as requested by City Council. The current Charter Section stipulates:

(g) *Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election.*

The perceived concern with the above Charter requirement is the vacancy created by the resignation and the potential need for a Special Election to fill a vacant unexpired term. The following are possible scenarios that were discussed and considered in the drafting of the proposed amendment:

- Should a Councilmember resign mid-term to run for another office a two-year term would be created. This term could not be filled by candidates running for a four-year term. A Special Election would be required.
- Should a Councilmember resign at the completion of their term and there were sufficient candidates running to elect their successor, no Special Election would be required.
- Should a Councilmember resign at the completion of their term and if there are not enough candidates to fill all of the four-year terms, a Special Election could be required.
- Candidates may only run for any one elective office at a time (ie. a four-year term OR a two-year partial term).

The Charter Revision Recommendation is as follows:

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office

Resolution #CR-2009-03-006

Moved by Bliss

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby recommends the Staff Proposed Amendment to Section 6.2(g), Vacancies in Elective Office, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bliss, Kanoza, Wilsher

No: Bernardi

Absent: Barno, Bloom, Solomon

MOTION CARRIED

Placement of Charter Amendment Proposals on a ballot requires five affirmative votes. The deadline for all local questions must be forwarded to the Oakland County Clerk prior to September 4, 2009. August 31th would be the last meeting prior to the required submittal date. It is recommended that City Council take final ballot placement action prior to the Regular City Council meeting of at the August 3, 2009 to allow for adequate time to forward the item to the Governor and Attorney General's Office for approval of ballot placement.

Options:

- Option one: **APPROVE** the Charter Revision Committee's recommended amendment to Section 6.2(g) and direct staff to forward the proposed amendment on to the Governor's Office and the Oakland County Clerk for placement on the November 3, 2009 General Election ballot.
- Option two: **REFER** the proposed amendment to Section 6.2(g) back to the Charter Revision Committee for consideration of additional amendment.
- Option three: **TAKE NO ACTION.**

Attachments:

- Charter Revision Committee Minutes and Meeting Supporting Documentation

CHARTER REVISION COMMITTEE RECOMMENDED MOTION TO SECTION 6.2(g):

Suggested Resolution

Resolution #2008-07-

Moved by

Seconded by

RESOLVED, That City Council **APPROVES** the placement of Section 6.2(g)-Vacancies to Elective Office as recommended by the Charter Revision Committee for placement on the November 3, 2009 General Election ballot as follows:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall the Troy Charter Section 6.2, Vacancies in Elective Office, be amended by deleting the current wording of Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next General City Election and who timely files for an office other than their own, shall file an irrevocable letter of resignation that shall be effective no later than the next General City Election Day, and which shall be filed with the City Clerk no later than 4:00 PM on the 120th day prior to the next General City Election.”?

YES ____ NO ____

Yes:

No:

Absent:

Proposed Charter Amendment (with track changes):

Section 6.2 - Vacancies in Elective Office:

Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

STRIKE

- (g) ~~Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election.~~

INSERT

- (g) Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective officer, except to succeed oneself, shall resign from their current Council position prior to the filing deadline of the municipal election.

Proposed Ballot Wording:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall Section 6.2 of the Troy Charter, which discusses vacancies in elective office, be revised to allow members of Council, whose terms are expiring at the next municipal election, to file for an office other than their own without resigning from Council by deleting the wording of the current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign from their current Council position prior to the filling deadline of the municipal election.”?

YES ___ NO ___

A meeting of the Troy Charter Revision Committee was held March 20, 2009, at City Hall, 500 W. Big Beaver Road. Chairman Daniel Bliss called the Meeting to order at 3:15 PM.

ROLL CALL:

PRESENT: Maryann Bernardi, Daniel Bliss, Shirley Kanoza, Cynthia A. Wilsher
ABSENT: Lillian Barno, Jerry E. Bloom, Mark Solomon
ALSO PRESENT: City Attorney Lori Bluhm, City Clerk Tonni Bartholomew

RESOLUTION TO EXCUSE MEMBER:

Resolution #CR-2009-03-004
Moved by Wilshire
Seconded by Bernardi

RESOLVED, That members Barno, Bloom, and Solomon be **EXCUSED** from the meeting of March 20, 2009.

Yes: Bernardi, Bliss, Kanoza, Wilsher
No: None
Absent: Barno, Bloom, Solomon

MOTION CARRIED

Member Kanoza requested that the minutes reflect a statement indicating that members should contact City staff in advance of the meeting to advise staff of their inability to attend meetings.

APPROVAL OF MINUTES: March 5, 2009

Resolution #CR-2009-03-005
Moved by Bernardi
Seconded by Barno

RESOLVED, That the Charter Revision Committee Minutes of March 5, 2009 are hereby **APPROVED** as corrected.

Yes: Bernardi, Bliss, Kanoza, Wilsher
No: None
Absent: Barno, Bloom, Solomon

MOTION CARRIED**PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office**

Member Wilshire reviewed her recollection of the history of the amendments to Section 6.2(g) of the Charter. She indicated that the intent of the amendment several years ago

was to remove the ability of candidates to position themselves and their friends on the ballot by resigning from their Council position when running for another elected position just before the filing deadline and prearranging for their friends to file for the unexpired portion of their term. She indicated the past discussion focused on the length of time required for the resignation period and that the Committee selected the 21 days as it appeared to give potential candidates notice of the vacancy and sufficient to gather signatures before filing. She noted that the recommendation to Council for placement of the proposed amendment on the ballot received unanimous approval from the committee.

Member Bernardi questioned if there was any history showing a need for the amendment prior to 1994. Was there a problem that initiated the amendment?

Member Wilshire indicated that she thought the amendment was tied to the introduction of term limits. Additionally, it was noted that the amendment to the Charter which eliminated the City Primary Election occurred along with the amendment to this section of the Charter and could have contributed to the perceived need for the proposed amendment.

City Attorney Bluhm referenced a communication she provided to the committee last year containing the history of the previous Charter amendment. She read from a portion of the minutes from 1983 which discussed the rational for the change.

Discussion continued on the impact of the amendment and potential for calling a Special Election with the Charter as written. Members Wilshire and Kanoza indicated that they would rather see the time requirement for resignation be extended as proposed in the staff recommended amendment over the potential of a very expensive Special Election, especially when the cost to run a Special Election could potentially result in the elimination or lay-off of one or more City employees.

Member Bernardi indicted that she believes the proposal could result in more Special Elections. She questioned what this amendment does other than force a resignation.

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office

Resolution #CR-2009-03-006

Moved by Bliss

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby recommends the Staff Proposed Amendment to Section 6.2(g), Vacancies in Elective Office, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bliss, Kanoza, Wilsher

No: Bernardi

Absent: Barno, Bloom, Solomon

MOTION CARRIED

Member Kanoza voiced disappointment to the statement of “they can get it right this time” made by a Council member at the City Council Regular meeting the last time the Council discussed the proposed amendment to Charter Section 6.2(g). She noted that she has been on the Charter Revision Committee for many years. Member Kanoza stated that she has always tried to be very thorough and do her best as a Charter Revision Committee member. She believes that the Charter Revision Committee has always strived to serve the community in the best manner possible. She felt strongly that her remarks should be made part of the record.

AUDIENCE PARTICIPATION: None.

ADJOURNMENT

Resolution #CR-2009-03-007

Moved by Wilshire

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee Meeting of Friday, March 20, 2009 be **ADJOURNED**.

Meeting **ADJOURNED** at 4:01 PM.

Daniel Bliss, Chair

Tonni L. Bartholomew, City Clerk

A meeting of the Troy Charter Revision Committee was held March 5, 2009, at City Hall, 500 W. Big Beaver Road. Chairman Daniel Bliss called the Meeting to order at 3:14 PM.

ROLL CALL:

PRESENT: Lillian Barno, Maryann Bernardi, Daniel Bliss, Mark Solomon – 3:14 PM
ABSENT: Jerry E. Bloom, Shirley Kanoza, Cynthia A. Wilsher
ALSO PRESENT: City Attorney Lori Bluhm, City Clerk Tonni Bartholomew

RESOLUTION TO EXCUSE MEMBER:

Resolution #CR-2009-03-001
Moved by Bliss
Seconded by Bernardi

RESOLVED, That members Bloom, Kanoza, and Wilsher be **EXCUSED** from the meeting of March 5, 2009.

Yes: Barno, Bernardi, Bliss, Solomon
No: None
Absent: Bloom, Kanoza, Wilsher

MOTION CARRIED**APPROVAL OF MINUTES: June 30, 2008**

Resolution #CR-2009-03-002
Moved by Bernardi
Seconded by Barno

RESOLVED, That the Charter Revision Committee Minutes of June 30, 2008 are hereby **APPROVED** as presented.

Yes: Barno, Bernardi, Bliss, Solomon
No: None
Absent: Bloom, Kanoza, Wilsher

MOTION CARRIED**SUNSHINE LAW: Review by City Attorney Bluhm**

City Attorney Bluhm provided the members a resource booklet and presented a brief overview of the Sunshine Laws.

PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office

Clerk Bartholomew briefly explained the Agenda packet materials.

Member Bernardi noted concern with requiring members of Council to resign their position in order to seek another City of Troy elected office. She questioned the potential of having individuals resigning and challenging an incumbent with the risk of ending up with no position on Council. She indicated concern with the potential of not having members of the public having their first run for office being that of Mayor and the possibility of creating elections for the position of the Mayor being uncontested elections.

Member Solomon questioned the impact of having no requirement to require a resignation prior to filing.

Member Bernardi indicated that there could be a vacancy should the individual be successful however if the candidate was not successful there would be no impact. She also noted that the current amendment was adopted back in 1994 and since 1955 there was never any problem that she could discover. She noted she contacted the City Attorney earlier in the day to inquire about the history of the amendment.

City Attorney Bluhm indicated that it appears that the amendment was proposed and adopted the same time as the amendment eliminating the primary and term limits.

Chair Bliss indicated concern with the absence of 3 Committee members for the discussion and input on the matter. He made a motion to postpone the motion.

MOTION TO POSTPONE

Resolution #CR-2009-03-003

Moved by Bliss

Seconded by Barno

RESOLVED, That the this item be **POSTPONED** until all members of the Charter Revision Committee be present for discussion.

Yes: Barno, Bernardi, Bliss,

No: Solomon

Absent: Bloom, Kanoza, Wilsher

MOTION CARRIED

Member Solomon voiced a parliamentary objection to the vote. He stated it was his belief that the Chair did not allow adequate time for him to consider the motion prior to asking for the question. He noted that he believes that it is ill-advised for a committee to operate on the premise that all members need to be present for action and questioned the intention of a quorum.

Member Bernardi noted that she would have voted differently had she be apprised of Member Solomon's concern prior to voting.

Member Bernardi made a motion to reconsider the motion and indicated that the vote was too rapid. She appreciated the comments of the Chair, but respects Member Solomon's comments and believed that the vote was too quick and that he should have had an opportunity to voice his concerns prior to the vote.

There was no second to the vote and discussion ended abruptly when Member Barno indicated she quit and left the meeting.

ADJOURNMENT

Meeting **ADJOURNED** at 4:19 PM due to a lack of quorum.

Clerk Bartholomew requested that members submit any other potential amendments to the Clerk for inclusion in the next meeting Agenda.

Daniel Bliss, Chair

Tonni L. Bartholomew, City Clerk

A meeting of the Troy Charter Revision Committee was held Thursday, May 22, 2008, at City Hall, 500 W. Big Beaver Road. In the absence of Chairman Bliss and Vice-Chairman Bloom, Wilsher (longest serving member present) called the Meeting to order at 3:04 PM.

ROLL CALL:

PRESENT: Lillian Barno, Maryann Bernardi, Shirley Kanoza, Mark Solomon, Cynthia A. Wilsher

ABSENT: Daniel Bliss, Jerry E. Bloom

ALSO PRESENT: City Manager Phil Nelson, City Attorney Lori Bluhm

RESOLUTION TO EXCUSE MEMBER:

Resolution #CR-2008-05-001

Moved by Bernardi

Seconded by Kanoza

RESOLVED, That Bliss and Bloom be **EXCUSED** from the meeting of May 22, 2008.

Yes: Barno, Bernardi, Kanoza, Solomon, Wilsher

No: None

Absent: Bliss, Bloom

MOTION CARRIED**APPROVAL OF MINUTES: Tuesday, July 31, 2007**

Resolution #CR-2008-05-002

Moved by Kanoza

Seconded by Barno

RESOLVED, That the Charter Revision Committee Minutes of Tuesday, July 31, 2007 are hereby **APPROVED** as presented.

Yes: Barno, Bernardi, Kanoza, Solomon, Wilsher

No: None

Absent: Bliss, Bloom

MOTION CARRIED**PROPOSED CHARTER AMENDMENTS:****SECTION 6.2(g) –VACANCIES IN ELECTED OFFICE**

Resolution #CR-2008-05-003

Moved by Kanoza

Seconded by Barno

RESOLVED, That the Charter Revision Committee hereby **MOVES TO POSTPONE** consideration of an amendment to Section 6.2(g) of the Troy Charter until the next Charter Revision Committee meeting.

Yes: Barno, Bernardi, Kanoza, Solomon, Wilsher

No: None

Absent: Bliss, Bloom

SECTION 9.16.5 – MILLAGE RATE LEVY LIMITATION

Resolution #CR-2008-05-004

Moved by Kanoza

Seconded by Solomon

RESOLVED, That the Charter Revision Committee hereby **MOVES TO POSTPONE** consideration of an addition to Chapter 9.16 to the Troy Charter concerning Millage Rate Levy Limitations until the next Charter Revision Committee meeting.

Yes: Barno, Bernardi, Kanoza, Solomon, Wilsher

No: None

Absent: Bliss, Bloom

MOTION CARRIED

AUDIENCE PARTICIPATION: None.

ADJOURNMENT

Resolution #CR-2008-05-005

Moved by Solomon

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee Meeting of Thursday, May 22, 2008 be **ADJOURNED**.

Meeting **ADJOURNED** at 3:43 PM.

Cynthia A. Wilsher-Acting Chair

Lori G. Bluhm – City Attorney



Memorandum

To: Members of the Troy Charter Revision Committee
From: Lori Grigg Bluhm *LGB*
Date: June 24, 2008
Subject: Section 6.2(g) of the Troy Charter

On November 8, 1994, Section 6.2(g) was added to the Troy Charter. That section states:

Any elective office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

*...
(g) Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election.*

Although this provision was not added to Troy's Charter until 1994, the Charter Revision Committee minutes reveal discussion of this topic on previous occasions, dating back to at least 1980. Initially, the proposed provisions required resignation from Council upon filing as a candidate for any other elected office. This was modified to require resignation only when running for another City elected office, and was likely based on the fact that the City elections were in April, and most other elections occurred in November. Rather than paraphrasing the rationale, I have included a copy of the Charter Revision Committee minutes from August 2, 1994, with the attached minutes of the February 1983 Charter Revision Committee meeting.

This Charter provision was revisited by the Committee in 2007. One of the concerns expressed at that time was the possibility that more than one Council member could run for Mayor, and requiring resignation of more than one Council member may cause difficulties in those matters where supermajority votes were required. At the July 31, 2007 Charter Revision Committee meeting, the following Charter Revision proposal was recommended to City Council:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2-
VACANCIES IN ELECTED OFFICE**

Shall Section 6.2 of the Troy Charter, regarding vacancies in elective office, be amended to allow members of Council, whose terms are expiring at the next municipal election, to file for an office (other than their

own) without resigning from Council by deleting the wording of current Section 6.2(g) in its entirety and inserting "Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign their current Council position at least 21 days before filing for municipal election"?

Yes _____ No _____

This recommendation was forwarded to City Council. A copy of the August 20, 2007 City Council minutes is attached. At that time, there was some Council support to modify the ballot question to call for a deletion of the Charter provision. However, this proposal did not have the required five affirmative votes to place the question on the ballot, and the matter was therefore referred back to the Charter Revision Committee. The language considered by City Council is as follows:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2-
VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 (g) of the City of Troy Charter, which provides that "*Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election*", be deleted in its entirety?

Yes _____ No _____

The deadline for City Council to approve the language of any ballot question for the November 2008 election is on or before the **August 25, 2008** City Council meeting.

Please let me know if you have any additional questions on this matter.

CHARTER REVISION COMMITTEE

A Regular meeting of the Charter Revision Committee was held on Tuesday, August 2, 1994 in the Lower Level Conference Room at City Hall, 500 W. Big Beaver. The meeting was called to order at 7:45 p.m.

PRESENT: Lillian Barno
Elio Eusebi
Shirley Kanoza
Donald W. Ruff
Cynthia Wilsher

ALSO PRESENT: Peter A. Letzmann, City Attorney

ABSENT: Daniel H. Bliss
Mark Solomon

* * * * *

MINUTES

Moved by Kanoza
Supported by Ruff

RESOLVED, That the minutes of the meeting of June 21, 1994 be approved.

Yeas: All-5
Absent: Bliss, Solomon

VACANCIES IN ELECTIVE OFFICE

The Charter Revision Committee reviewed the additional information provided by the City Attorney on other cities that require a member of Council to resign if they become a candidate for any other elective office and make their recommendation based on the following reasons:

Because it is in the best interests of the citizens of the City of Troy that its elected officials concentrate on the office to which they are elected; and

Because it is in the best interests of the citizens of the City of Troy to prevent divisiveness among its elected officials; and

Because it is in the best interests of the citizens of the City of Troy to elect its council members rather than appoint them as a result of obtaining other city elected office; and

Because it is in the best interests of the citizens of the City of Troy to avoid the potential costs of special elections as a result of a council member becoming a candidate for another city elected office; and

D-1

Because it is in the best interest of the citizens of the City of Tr to have the maximum openness in the opportunity to run for elect office.

Moved by Ruff
Seconded by Eusebi

RESOLVED, That the Charter Revision Committee hereby recommends to the City Council that they place the attached Charter Amendment on the ballot on the November 8, 1994 election and the ballot question shall read as follows:

"Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council at least ten (10) days prior to the filing deadline of the municipal election."

Yeas: All-5
Absent: Bliss, Solomon

NEXT MEETING

The next meeting is scheduled at the call of the Chairman.

* * * * *

The meeting was adjourned at 8:50 p.m.

SURVEY

QUESTION: If an elected official chooses to run for another elected position, must he/she resign the first position in order to pursue the next elected position?

<u>CITY SURVEYED</u>	<u>YES</u>	<u>NO</u>	<u>OTHER</u>
Auburn Hills		x	
Berkley		x	
Birmingham		x	
Bloomfield Hills		x	
Clawson	x		
Farmington		x	
Ferndale	x		
Lathrup Village	x		
Madison Heights	x		
Northville	x		
Novi		x	
Oak Park	x		
Pleasant Ridge		x	
Pontiac		x	
Rochester		x	
Rochester Hills		x	
Royal Oak	x*		Only if the elected position is within city government
Southfield	x		

SURVEY

QUESTION: If an elected official chooses to run for another elected position, must he/she resign the first position in order to pursue the next elected position?

<u>CITY SURVEYED</u>	<u>YES</u>	<u>NO</u>	<u>OTHER</u>
Auburn Hills		x	
Berkley		x	
Birmingham		x	
Bloomfield Hills		x	
Clawson	x		
Farmington		x	
Ferndale	x		
Lathrup Village	x		
Madison Heights	x		
Northville	x		
Novi		x	
Oak Park	x		
Pleasant Ridge		x	
Pontiac		x	
Rochester		x	
Rochester Hills		x	
Royal Oak	x*		Only if the elected position is within city government
Southfield	x		

CHARTER REVISION COMMITTEE

A Regular meeting of the Charter Revision Committee was held on Wednesday, February 23, 1983 in Conference Room "A" at City Hall, 500 W. Big Beaver. The meeting was called to order at 7:40 P.M.

PRESENT: John Barno
John Classen
Elio Eusebi
Arthur Molinar
Donald W. Ruff

ABSENT: Arnold Blythe
Peter Treboldi

#####

MINUTES

The minutes of the meeting of January 23, 1983 were received and placed on file.

CHARTER STUDY

Motion by Molinar
Supported by Ruff

RESOLVED, That the proposal be taken from the table for action at this time, and that it be inserted into the main body of the minutes.

Yeas: All-5

A PROPOSED AMENDMENT OF THE CITY CHARTER

INTRODUCTION

(NOTE: In the following text the pronouns "he", "his", or "himself" shall be used with reference to particular candidates or members involved, but the intention that these pronouns shall refer to both males and females is explicit.)

The Charter Revision Committee, in its ongoing review of the City's Charter, is aware of what it considers a weakness in provisions dealing with qualifications as a candidate for the office of Mayor as such qualifications would relate to incumbent members of the Council.

As the situation now stands, should an incumbent member of the council win election as Mayor, assumption of said office would create a vacancy on the council which would require a special election to return the Council to its proper level of membership. In addition, such a special election would be an unwelcome, burdensome, and we hold, unnecessary, expense to the taxpayers.

From an historical perspective, the present citation by this committee of the above mentioned problem is not new, having been drawn to the Council's attention in several past instances. In order that the Charter will not continue to remain silent on this matter, we resubmit our statement of concern together with the following development and suggestions toward a satisfactory procedure that should become incorporated within the Charter.

Considering the large number of civic minded and interested persons who serve on these committees, whose qualifications have already been reviewed and accepted by the Council, this source for an interim member of the Council seems appropriate.

Upon election by the Council, and acceptance by the individual, the interim member shall be administered the oath of office, to serve as prescribed below.

- b. During his term as an interim member of the Council the chosen member will receive financial remuneration at the same rate as other members of the Council, but will not be eligible to be appointed as a delegate or representative to conventions, or other meetings which a publicly elected member should attend, or shall he be eligible for personal, travel or educational expenses.
- c. Beyond the restrictions and limitation expressed above, the interim Council member shall be able to fully participate in the Council's functions on a level equal to those of the other members.

Item 3

The following deadlines and limitations are suggested:

- a. The Council shall select the interim Council member no later than two weeks after a resignation has been received. The term of office of the interim member shall begin on the date of his election and shall run no longer than the Call to Order of the next regularly scheduled Council meeting following a public election during which a candidate for a full term has been elected.

CONCLUSION

The Committee believes this procedure offers the following advantages:

It eliminates the necessity of a special election; it eliminates the disruption and expense that would be caused by a special election; it would reduce to a minimum the time the City Council would be functioning without its required number of members; and, it provides the maximum opportunity for the public to participate in the election of the City Council members.

We believe the Charter should not be permitted to continue to remain silent on this matter. We would urge the Council to take whatever steps are necessary toward implementation of these measures, or some modified version of them, within a reasonable length of time.

Proposal prepared by: John W. Classen, Committee member

Submitted to Committee September 22, 1982.

The discussion on the proposal continued.

It was decided that the first paragraph of Item #1 should be Section 6.2(g) of the Charter and should be revised to read as follows:

Should an incumbent member of the Council wish to present himself as a candidate for the office of Mayor, he shall be required to relinquish his council seat, through the process of formal resignation from Council membership, no later than the filing deadline.

Discussion continued on Section 6.2, and it was decided that the main part of the section and Sections 6.2(e) and (f) should be amended to read as follows:

Any elective city office shall be declared vacant upon the occurrence of any of the following events before the expiration of the term of such office:

-
- (e) If such officer shall miss five consecutive regular meetings of the Council or twenty-five per cent of such meetings in any fiscal year, unless such absences shall be excused by the Council and the reason therefor entered in the minutes at the time of the absence;
 - (f) If the officer is removed from office by the Council in accordance with the provisions of this chapter.

It was decided that the second paragraph of Item 1 should be Section 6.2(g), and it was revised to read as follows:

Should a Council member become a candidate for any other public office, he shall be required to resign his Council seat no later than the filing deadline date for such office.

It was decided that Section 6.7 should be amended to read as follows:

Section 6.7 Filling Vacancies in Elective Office:

Any vacancy which occurs in the Council or office of Mayor shall be filled within thirty days by a majority vote of the remaining members of the Council, said appointee to hold office until the Monday following the election at which such vacancy shall be filled for the balance of the unexpired original term.

The Clerk was directed to bring formal charter amendment resolutions to the next meeting.

NEXT MEETING

The next meeting was scheduled for 7:30 P.M. on March 23, 1983 in Conference Room "A" at City Hall.

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The meeting was adjourned at 9:14 P.M.

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EXPOSITION AND SUGGESTED PROCEDURE

Resolution of this problem appears to be concerned with the following areas

1. Qualification for Candidacy for the office of Mayor for the City of Troy would require an incumbent Council member to resign his position on the Council.
2. A method of replacing the resigned incumbent must be devised, and the capacities and limitations of the interim Council member should be defined.
3. Certain deadlines, or other time constraints must be achieved in order to effectuate Items 1 and 2 above.
4. The entire procedure must be conducted in such a way as to insure maximum opportunity of the voting public to participate in the selection of the members of the Council.

We now deal with these items with expansion and detail:

Item 1

Should an incumbent member of the Council wish to present himself as a candidate for the office of Mayor, he shall be required to relinquish his council seat, through the process of formal resignation from Council membership, no later than Four O'Clock P.M. of the twenty-eighth (28) day preceding the third Monday of February of each year. (see Charter section 7.9)

Should a Council member choose to become a candidate for other public office that would eventually require vacating of the Council seat, he shall be required to resign his Council seat no later than the filing deadline dates for such office, or a date no later than that required in the preceding paragraph.

Item 2

The resigned incumbents seat on the Council shall be filled in the following manner, duration of office limited and limitations of office defined as follows:

- a. The Mayor and remaining Council members shall elect an interim Council member from a list of interested persons who are at the time qualified members in good standing of the various Boards and Committees currently serving the Council in advisory capacities.

Considering the large number of civic minded and interested persons who serve on these committees, whose qualifications have already been reviewed and accepted by the Council, this source for an interim member of the Council seems appropriate.

Upon election by the Council, and acceptance by the individual, the interim member shall be administered the oath of office, to serve as prescribed below.

- b. During his term as an interim member of the Council the chosen member will receive financial remuneration at the same rate as other members of the Council, but will not be eligible to be appointed as a delegate or representative to conventions, or other meetings which a publicly elected member should attend, or shall he be eligible for personal, travel or educational expenses.
- c. Beyond the restrictions and limitation expressed above, the interim Council member shall be able to fully participate in the Council's functions on a level equal to those of the other members.

Item 3

The following deadlines and limitations are suggested:

- a. The Council shall select the interim Council member no later than two weeks after a resignation has been received. The term of office of the interim member shall begin on the date of his election and shall run no longer than the Call to Order of the next regularly scheduled Council meeting following a public election during which a candidate for a full term has been elected.

CONCLUSION

The Committee believes this procedure offers the following advantages:

It eliminates the necessity of a special election; it eliminates the disruption and expense that would be caused by a special election; it would reduce to a minimum the time the City Council would be functioning without its required number of members; and, it provides the maximum opportunity for the public to participate in the election of the City Council members.

We believe the Charter should not be permitted to continue to remain silent on this matter. We would urge the Council to take whatever steps are necessary toward implementation of these measures, or some modified version of them, within a reasonable length of time.

Proposal prepared by: John W. Classen, Committee member

Submitted to Committee September 22, 1982.

The discussion on the proposal continued.

It was decided that the first paragraph of Item #1 should be Section 6.2(g) of the Charter and should be revised to read as follows:

Should an incumbent member of the Council wish to present himself as a candidate for the office of Mayor, he shall be required to relinquish his council seat, through the process of formal resignation from Council membership, no later than the filing deadline.

Discussion continued on Section 6.2, and it was decided that the main part of the section and Sections 6.2(e) and (f) should be amended to read as follows:

Any elective city office shall be declared vacant upon the occurrence of any of the following events before the expiration of the term of such office:

-
- (e) If such officer shall miss five consecutive regular meetings of the Council or twenty-five per cent of such meetings in any fiscal year, unless such absences shall be excused by the Council and the reason therefor entered in the minutes at the time of the absence;
 - (f) If the officer is removed from office by the Council in accordance with the provisions of this chapter.

It was decided that the second paragraph of Item 1 should be Section 6.2(g), and it was revised to read as follows:

Should a Council member become a candidate for any other public office, he shall be required to resign his Council seat no later than the filing deadline date for such office.

It was decided that Section 6.7 should be amended to read as follows:

Section 6.7 Filling Vacancies in Elective Office:

Any vacancy which occurs in the Council or office of Mayor shall be filled within thirty days by a majority vote of the remaining members of the Council, said appointee to hold office until the Monday following the election at which such vacancy shall be filled for the balance of the unexpired original term.

The Clerk was directed to bring formal charter amendment resolutions to the next meeting.

NEXT MEETING

The next meeting was scheduled for 7:30 P.M. on March 23, 1983 in Conference Room "A" at City Hall.

#####

The meeting was adjourned at 9:14 P.M.

#####

POSTPONED ITEMS:

D-1 Resolution to Refer Charter Revision – Section 6.2 – Vacancies in Elective Office to the Charter Revision Committee

Pending Resolution

Moved by Howrylak

Seconded by Lambert

RESOLVED, That Troy City Council hereby **REFERS** proposed *Charter Revision to Section 6.2 – Vacancies in Elective Office* to the Charter Revision Committee for further review.

Vote on Resolution to Amend Pending Resolution by Substitution

Resolution #2007-08-245

Moved by Broomfield

Seconded by Fleming

RESOLVED, That Troy City Council hereby **AMENDS** the pending resolution by **SUBSTITUTING** it in its entirety with the following language:

*RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2007-08-234, as it appears below:*

F-5 Charter Revision Committee Recommendation – Amendment to the Troy City Charter Section 6.2(g) – Vacancies in Elective Office

Resolution #2007-08-234

Moved by Lambert

Seconded by Broomfield

*RESOLVED, That Troy City Council hereby **APPROVES** as to form the following proposed Charter Amendment for the November 6, 2007 City General Election:*

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall Section 6.2 (g) of the City of Troy Charter, which provides that "Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election", be deleted in its entirety?

YES ____ NO ____

Yes: *Howrylak, Lambert, Beltramini, Broomfield*
No: *Stine, Schilling*
Absent: *Fleming*

MOTION FAILED

Yes: All-7

MOTION CARRIED

Proposed Substitute Amendment Resolution for Resolution #2007-08-234

Resolution
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2007-08-234, by **SUBSTITUTING** it in its entirety with the following language:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION
6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 (g) of the City of Troy Charter, which provides that "Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election", be deleted in its entirety?

Vote on Amendment to Proposed Substitute Resolution for Resolution #2007-08-234

Resolution #2007-08-246
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** proposed Substitute Amendment Resolution for Resolution #2007-08-234 by inserting:

"RESOLVED, That Troy City Council hereby **APPROVES** as to form the following proposed Charter Amendment for the November 6, 2007 City General Election:"

Prior to:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION
6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 (g) of the City of Troy Charter, which provides that "Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election", be deleted in its entirety?

Yes: Broomfield, Fleming, Howrylak, Lambert, Beltramini

No: Stine, Schilling

MOTION CARRIED

Vote on Amended Substitute Resolution

Resolution #2007-08-247

Moved by Broomfield

Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2007-08-234, by **SUBSTITUTING** it in its entirety with the following language:

RESOLVED, That Troy City Council hereby **APPROVES** as to form the following proposed Charter Amendment for the November 6, 2007 City General Election:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall Section 6.2 (g) of the City of Troy Charter, which provides that "Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election", be deleted in its entirety?

Yes: Fleming, Howrylak, Lambert, Broomfield

No: Stine, Schilling, Beltramini

MOTION CARRIED

Vote on Substitute Amendment Resolution for Resolution #2007-08-247

Resolution #2007-08-248

Moved by Howrylak

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AMENDS** Substitute Resolution 2007-08-247 in its entirety as follows:

RESOLVED, That Troy City Council hereby **REFERS** proposed *Charter Revision to Section 6.2 – Vacancies in Elective Office* to the Charter Revision Committee for further review.

Yes: Howrylak, Lambert, Beltramini, Broomfield, Fleming

No: Stine, Schilling

MOTION CARRIED

Vote on Main Resolution as Amended by Substitution

Resolution #2007-08-249

Moved by Howrylak

Seconded by Lambert

RESOLVED, That Troy City Council hereby **REFERS** proposed *Charter Revision to Section 6.2 – Vacancies in Elective Office* to the Charter Revision Committee for further review.

Yes: Lambert, Beltramini, Broomfield, Fleming, Howrylak

No: Stine, Schilling

MOTION CARRIED

CONSENT AGENDA:

E-1a Approval of “E” Items NOT Removed for Discussion

Resolution #2007-08-250-E-1a

Moved by Stine

Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-2 and E-4a which **SHALL BE CONSIDERED** after Consent Agenda (E) items, as printed.

Yes: All-7

E-3 Proposed City of Troy Proclamation(s): None Submitted

E-4 Standard Purchasing Resolutions

b) Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract Bentley Systems, Inc.

Resolution #2007-08-250-E-4b

A meeting of the Retiree Health Care Benefits Plan & Trust Board of Trustees was held on Wednesday, January 14, 2009, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 2:30 p.m.

Trustees Present: Mark Calice
Martin F. Howrylak
John M. Lamerato
William R. Need (Ex-Officio)
Phillip L. Nelson
Thomas Rosewarne

Trustees Absent: Thomas J. Gordon, II
Steven Pallotta

Minutes

Resolution # RH – 2009 – 1- 01

Moved by Nelson

Seconded by Howrylak

RESOLVED, That the Minutes of the October 8, 2008 meeting be approved.

Yeas: All - 5

Absent: Gordon, Pallotta

Investments

Resolution # RH – 2009 – 1- 02

Moved by Lamerato

Seconded by Nelson

RESOLVED, That the board purchase \$1,500,000 of the W & R Municipal Bond Fund.

Resolution # RH – 2009 – 1- 03

Moved by Rosewarne

Seconded by Nelson

RESOLVED, That the board amend the motion and purchase \$1,000,000 of the W & R Municipal Bond Fund.

Yeas: All - 5

Absent: Gordon, Pallotta

Resolution # RH – 2009 – 1- 04
Moved by Lamerato
Seconded by Nelson

RESOLVED, That the original motion as amended be approved.

Yeas: All - 5
Absent: Gordon, Pallotta

Other Business – Election of Chair and Vice Chair

Resolution # RH – 2009 – 1- 05
Moved by Lamerato
Seconded by Nelson

RESOLVED, That the board appoint mark Calice as Chair and Tom Gordon as Vice Chair.

Yeas: All - 5
Absent: Gordon, Pallotta

Other Business – Adoption of 2009 Meeting Dates

Resolution # RH – 2009 – 1- 06
Moved by Lamerato
Seconded by Nelson

RESOLVED, That the board meet on the following dates for 2009:

Wednesday, January 14, 2009
Wednesday, April 8, 2009
Wednesday, July 8, 2009
Wednesday, October 14, 2009

Yeas: All - 5
Absent: Gordon, Pallotta

The next meeting is April 8, 2009 at 1:00 p.m. at Troy City Hall, Conference Room C,
500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 2:40 p.m.

Mark Calice, Chairman

John M. Lamerato, Secretary

JML/bt\Retirement Board\Retiree Health Care Benefits Plan & Trust\2009\1-14-09 Minutes_Final

TROY HISTORIC COMMISSION MINUTES – FINAL**JANUARY 27, 2009**

The regular meeting of the Troy Historic Commission was held Tuesday, January 27, 2009 at the Troy Museum & Historic Village. Rosemary Kornacki called the meeting to order at 7:30 P.M.

ROLL CALL **PRESENT:** Rosemary Kornacki
 Kevin Lindsey
 Terry Navratil
 Brian Wattles
 Roger Kaniarz
 Vera Milz
 Padma Kuppa
 Loraine Campbell, Museum Manager
 Cathy Russ, Library Director

NOTE: Padma Kuppa was welcomed as a new member of the commission.

Resolution #HDC-2009-01-001**Moved by Kaniarz****Seconded by Navratil****RESOLVED, That the minutes of October 28, 2008 be approved as amended**

Yes: 7 —Kornacki, Lindsey, Navratil, Kaniarz, Milz, Kuppa and Wattles

No: 0

MOTION CARRIED**Old Business****A. Capital Projects****General Store**

New double doors were installed by Adair restoration at a total cost of \$1,900.

Main Museum Building

Akins Construction completed repairs and partially corrected the drainage pattern along the south wall near the restrooms for \$550

Spring Projects:**General Store**

Prices to inject hydrophobic grout in the rod holes in the basement walls:

\$6,750

Poppleton School

Prices for the masonry repairs to the

Chimney: \$3,665

\$4,400

Cement wash and hand rail:

\$900
\$3,030

Caswell House
Prices to repair the waterproofing mastic on the building foundation:
\$5,500
\$6,750

Wagon Shop
Requisition has been requested to strip and stain the Wagon Shop.

B. Programs

See attached reports. Spring Troy Today is completed.

Staff is working with four Troy Middle Schools to hold Civil War Camp May 17-21 at the Museum. 1,000 students will participate.

Staff is currently working on summer programs. The goal is cost effective activities with real education and enrichment value.

Diana Franco is prioritizing projects for the new Genealogy Center.

Loraine was informed that Parks and Recreation will no longer provide tents for museum events. The costs of tent rentals from a commercial firm in 2009 will exceed \$2,000. The city bus was also cut from the budget. The museum will have to contract with Troy Schools for shuttle bus service.

C. Attendance

See attached reports. Note income for facilities rentals for filming.

D. Collections

See Reports.

William Boardman requests authorization to deaccession the following items:

1. Rusted metal stanchions with velvet ropes that should not have been accessioned as they were exhibit barriers.
2. Two of the six sewing machines in the collection
3. A paper trimmer with no historic significance

Resolution #HDC-2009-01-002

Moved by Lindsey

Seconded by Kuppa

RESOLVED, That the request to deaccession rusted metal stanchions with velvet ropes, two of the six sewing machines in the collection and a paper trimmer with no historic significance as recommended by William Boardman be approved

Yes: 7 —Kornacki, Lindsey, Navratil, Kaniarz, Milz, Kuppa and Wattles

No: 0

MOTION CARRIED

William Boardman requests approval to update the Collections Policy and Gift Agreement. The changes in wording reflect better and consistent terminology now used in the Museum operating procedures:

1. Change “objects” to “items
2. Change “Digital images collected from original images, photos, artwork, artifacts or documents” to “Digital images, documents, sound files and other digital formats collected from original sources”
3. Changes “Artifacts deaccessioned from the Troy Museum Artifact Collection” to “Items deaccessioned from the Troy Museum Collection”
4. Delete email address line from form
5. On form change from “on the reverse side of this form” to “of the Troy Museum Collections Policy”.
6. Materials from the Barnard House” were relocated to the Lange Street house under a 2-year loan agreement. Two WSU interns are cataloging the loan materials.

Resolution #HDC-2009-01-003

Moved by Milz

Seconded by Kaniarz

RESOLVED, That the Collections Policy and Gift Agreement be updated to reflect better and consistent terminology now used in the Museum operating procedures.

Yes: 7 —Kornacki, Lindsey, Navratil, Kaniarz, Milz, Kuppa and Wattles

No: 0

MOTION CARRIED

E. Grants

Kresge Foundation Project Detroit Grant

City Council accepted the grant of \$40,000 on November 10. The first installment of \$20,000 has been received. John Lamerato has authorized spending a portion of these funds on an Interpretive Master Plan as was outlined in the grant application. See the attached Scope of Work for an RFP.

IMLS Connecting to Collections Bookshelf

The Museum applied for a set of books on current collections preservation standards, techniques and technical preservation information. 1,000 sets of books will be awarded in July.

F. Interns

Bradley Selesky and Josh Duffy are completing the Archive Management certification program as part of their course work at the WSU Library Science

graduate program. They are cataloging the Barnard family loan and organizing some of the archive materials into a collection. Both students will complete 135 hours of work in their un-paid, for-credit internships at the Museum. These internships run from Jan.15 through April 20, 2009.

G. Budget

The Museum must generate \$50,000 in new revenues in FY2009/10.

New Business

A. Expansion Update: Presentation on preliminary site plan concepts

The committee visited six barns and has reached a preliminary agreement with the George Spenser family whose dairy barn is located in Wixom. The barn was constructed from 1860 to 1930 in three distinct stages. We are interested in the oldest portion of the timber-framed structure. The architects are also interested in acquiring some granite foundation materials, a portion of the clay-tiled silo, six of the 42 milk stanchions and the decorative metal roof vent. Ward Randol is working with the family's attorney to draft a gift agreement which will be reviewed by the City Attorney's office.

B. Troy Historical Society Liaison Report

Kresge Foundation Green Initiative Grant

Loraine and grant writer Phoebe Crandall, (retained by Troy Historical Society) have met with members of the Museum Expansion Team to begin assembling components of the grant application. Loraine is drafting the narrative. Awards range from \$50-\$100,000. There is no grant cycle or application deadline.

C. Reports and Communications

Staff

Ray Lucas suffered a heart attack in November that led to two surgeries. He also suffered post operative blood clots. Ray is now recuperating at home.

Paul Kamulski, who was hired to fill the vacancy created when Laura Bunting moved into Kathrin Jaeger's position, declined the position after one day due to a family emergency. Frances Willuwiet was offered the position and began work on December 1, 2008.

Visitor

None

Commission Members

None.

The Troy Historic Commission Meeting was adjourned at 9:55 p.m. The next regular meeting will be held Tuesday, March 24, 2009 at the Troy Museum & Historic Village at 7:30 pm.

Rosemary Kornacki
Chairperson

Loraine Campbell
Recording Secretary

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – ROUGH –
FEBRUARY 4, 2009

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, February 4, 2009 in the lower level Conference Room at City Hall. Done called the meeting to order at 7:00 p.m.

Present:	C. Buchanan	M. Chaffee
	D. Chong, student	A. Done
	B. Harrell	E. Kempen
	L. Patton	J. Stewart
	M. Wilson	

Present: Mitchell Grusnick, staff

Absent: Kelly Clark
Paul Chu Lin
Kristin Mayer
Anita Vasudevan, student

ITEM III – APPROVAL OF MINUTES OF MEETING OF JANUARY 7, 2009

Buchanan made a motion to approve the minutes of January 7, 2009; supported by Stewart; all voted in favor.

ITEM IV – PUBLIC COMMENT

ITEM V - SCHEDULED PRESENTATIONS

ITEM VI – UNFINISHED BUSINESS

Buchanan to draft letter of appreciation to Cindy Stewart for her involvement in developing the Troy Disability Resource Guide. Committee would like to see the ACPD added to Resource Guide.

Discussion continued on revising meeting dates to bimonthly, quarterly or monthly. It was agreed that this Committee will continue to meet monthly as long as progress is being made on projects we are working on.

Grusnick will contact DPW regarding the feasibility of a program for snow removal of driveway approaches at homes of persons with disabilities who have had approaches plowed in by City trucks.

Discussion on how the ACPD could monitor new projects submitted to Planning Commission. Brent Savidant, Principal Planner in the Planning Department will be invited to the March meeting.

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – ROUGH –
FEBRUARY 4, 2009

ITEM VII – NEW BUSINESS

Harrell motioned that her and Done draft an article to put a public service announcement in the Troy Times mentioning this Committee's existence and giving contact information. Supported by Kempen. All in favor.

ITEM VIII – REPORTS

ITEM IX – MEMBER COMMENT

Patton shared information regarding a speaker, Nick Vujicic, that will be at Woodside Bible Church on 3/7/09, 7:00 p.m., regarding "Life Without Limits"

Chaffee reported that this Committee missed the deadline for participation at this year's Kaliedoscope. He would like this Committee to consider next year's Kaliedoscope. There were many opportunities and demonstrations available.

Done will check with Bob Burke regarding a booth at Troy Daze this year

Buchanan stated that Paint America is having an art showing at the Community Central Bank, 1467 N. Rochester, Rochester Hills. She has a sculpture on display.

ITEM X – ADJOURNMENT

Buchanan motioned to adjourn the meeting at 9:26 p.m.; supported by Patton. All in favor.

Angela Done, Chairperson

Kathy Jearls, Recording Secretary

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL –
FEBRUARY 4, 2009

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, February 4, 2009 in the lower level Conference Room at City Hall. Done called the meeting to order at 7:00 p.m.

Present:	C. Buchanan	M. Chaffee
	D. Chong, student	A. Done
	B. Harrell	E. Kempen
	L. Patton	J. Stewart
	M. Wilson	

Present: Mitchell Grusnick, staff

Absent: Kelly Clark
Paul Chu Lin
Kristin Mayer
Anita Vasudevan, student

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ITEM V - SCHEDULED PRESENTATIONS

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Done will check with Bob Burke regarding a booth at Troy Daze this year

Buchanan stated that Paint America is having an art showing at the Community Central Bank, 1467 N. Rochester, Rochester Hills. She has a sculpture on display.

ITEM X – ADJOURNMENT

Buchanan motioned to adjourn the meeting at 9:26 p.m.; supported by Patton. All in favor.

Angela Done, Chairperson

Kathy Jearls, Recording Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, February 9, 2009 in the Council Board Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Patrick C. Hall
David S. Ogg
Timothy P. Payne
Bohdan L. Ukrainec
Susan Lancaster, Assistant City Attorney
Sergeant Robert Cantlon
Officer James Feld
Pat Gladysz

ABSENT: None

Resolution to Approve Minutes of November 10, 2008 Meeting

Resolution #LC2009-02-001

Moved by Ukrainec

Seconded by Hall

RESOLVED, that the Minutes of the November 10, 2008 meeting of the Liquor Advisory Committee be approved.

Yes: 6 (All)

No: 0

Absent: 0

Agenda Items

1. **Kroger Co. of Michigan** requests to transfer ownership of the escrowed 2008 SDD license only from Perry Drug Stores, Inc. to be held in conjunction with existing SDM license; and transfer location from 805 E. Big Beaver to 2105 W. South Blvd, Troy, MI 48098, Oakland County.

Present to answer questions from the Committee was Tom Frank, real estate manager for The Kroger Company.

This 45,000 square foot store was acquired from Farmer Jack in July, 2007, and they just completed a major remodel. Kroger was approached by Perry Drug Stores approximately one year ago offering for sale several liquor licenses, two of which were in Troy. They understand that the Troy City Ordinance requires that liquor needs to be secured in either a controlled access area or behind a counter. They plan to display the liquor behind the customer service counter. Employee training at all locations will be completed by Friday of this week. It is the Kroger Company policy to conduct internal decoy operations to test their employees.

Resolution #LC2009-02-002

Moved by Ukrainec

Seconded by Hall

RESOLVED, that Kroger Co. of Michigan be allowed to transfer ownership of the escrowed 2008 SDD license only from Perry Drug Stores, Inc. to be held in conjunction with existing SDM license; and transfer location from 805 E. Big Beaver to 2105 W. South Blvd, Troy, MI 48098, Oakland County.

Yes: 6 (All)

No: 0

Absent: 0

-
2. **Kroger Co. of Michigan** requests to transfer ownership of the escrowed 2008 SDD license only from Perry Drug Stores, Inc. to be held in conjunction with existing SDM license; and transfer location from 5055 Rochester Rd. to 1237 Coolidge, Troy, MI 48084, Oakland County.

Present to answer questions from the Committee was Tom Frank, real estate manager for The Kroger Company.

This 63,000 square foot store was also acquired from Farmer Jack and is currently undergoing remodeling. In accordance with the Troy City Ordinance, they plan to display the liquor behind the customer service counter. Employee training at all locations will be completed by Friday of this week. It is the Kroger Company policy to conduct internal decoy operations to test their employees.

Resolution #LC2009-02-003

Moved by Ukrainec

Seconded by Hall

RESOLVED, that Kroger Co. of Michigan be allowed to transfer ownership of the escrowed 2008 SDD license only from Perry Drug Stores, Inc. to be held in conjunction with existing SDM license; and transfer location from 5055 Rochester Rd. to 1237 Coolidge, Troy, MI 48084, Oakland County.

Yes: 6 (All)
No: 0
Absent: 0

It is noted that Henry Allemon has elected to not be reassigned to the Liquor Advisory Committee.

Sergeant Cantlon introduced Officer Jim Feld to the Committee. After Sergeant Cantlon's retirement on February 27, 2009, Officer Feld will take over the liquor licensing duties for the Department.

Assistant City Attorney Lancaster advised that the Liquor Violation Hearings commence Wednesday, February 11, 2009.

The meeting adjourned at 7:24 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

TROY ETHNIC ISSUES ADVISORY BOARD
Minutes for Tuesday, February 10, 2009

I. Call to Order

II. Roll Call

Present Kelly Jones
 Cathy Francois
 Michelle Haight
 Karen Yelder
 Mayada Fakhouri
 Veena Rao
 John Witt
 Lily Huang, student rep
 Cindy Stewart, City Liaison
 Grigore Buia

Absent Reuben Ellis
 Aries Tao, student rep

Guest Jill Myllyoja (friend of Cathy)

III. Approval of Minutes – January 6, 2009

Motion by Michelle Haight

Seconded by Kelly Jones to approve the January 6, 2009 minutes.

IV. New Business

a. Correspondence/Articles

Macomb Community College at the Lorenzo Cultural Center will have ongoing programs free of charge from February 28 – May 16, 2009. Information is available at www.macombcenter.com or www.lorenzoculturalcenter.com.

V. Old Business

a. Troy Daze – EthniCity Discussion.

Kelly found information from Farmington Hills and Eastpointe. Eastpointe has a World Festival. Any way we could do this on a smaller scale? (miindia.com has all Indian events posted.)

John Witt researched Gilbert, AZ. They have a global village festival (as does San Diego), Parade of Nations, sell crafts, tents/booths of different countries, entertainment, ethnic food.

Michelle noted that Chandler, AZ sponsors a children's play (folk tale) and an Anne Frank cultural exhibit.

In San Diego there is an international story teller, and a children's tent with face painting, crafts and games.

It was noted that EthniCity does come under Troy Daze and they already go after sponsors. It's hard to make this separate when it is under the Troy Daze umbrella.

The idea that perhaps it was time to take a break from EthniCity for a year, but sponsor the poster contest. The EIAB still wants to hold a poster contest, but cannot commit to organizing the EthniCity Tent with Booths. The Board just does not have the volunteers to handle this event.

Will the City celebrate our diversity if we don't have EthniCity? The EIA Board believes they will. The Library offers great cultural programs. We offer diversity training for the schools together with the Troy Interfaith Group. Perhaps expand to teachers, PTOs as well as the Business community and city employees.

Board can also work with the Library to offer support for their programs. Also offer information/programs to the community that the Michigan Roundtable offers as well as outreach to groups working on diversity in Detroit.

Research more information/programs to add to our Diversity Resource Guide.

Troy Interfaith Group and African American Support Groups are great resources that EIAB could get more involved with.

Board agrees to sponsor poster contest and to notify the schools before the end of the year. Cindy will e-mail the last five poster contest themes to the Board to generate ideas for the March meeting.

- b. African American Support Group – Michelle attended the January and February meetings at Baker. Nadeen Brown does a great job and we should continue to support her. Rosie Chapman did a presentation on Harriet Tubman. The January meeting included math excel tutoring program, ACT prep and a bowling event over Winter break on February 17.
- c. Troy School District updates – The next professional development workshop is March 23. Michelle will bring materials to share with the EIAB. Troy Schools

hired a diversity consultant named Roslyn Cox. Michelle is going to talk to her about speaking at the March Diversity Workshop and invite her to a future EIAB meeting (May or June).

- c. Cultural Brochures -- Michelle will send information to Cindy to format and discuss at March meeting.

VI. Member Comment

Michelle said that Heather Zhou (she did Faces of China) is working with Michelle on a student exchange from China (10 students and 1 teacher). They applied for a grant from TFEE. They also plan to meet with L. Brooks Patterson for support. They will look for host families. Lily told of a similar program with Japan last year and she will get info to Michelle on the teacher who coordinated this at Troy High.

Kelly noted a program on PBS, "We Shall Remain," that will air April & May. It is a five-part mini-series on Native American culture and the history of our country. More information is available on www.pbs.org.

Karen noted that February is Black History Month.

Cathy handed out Michigan Roundtable for Diversity and Inclusion 2009 Interfaith Retreat scheduled for May 3 & 4.

VII. Adjournment 8:14 pm

Motion to adjourn was made by Kelly Jones, and seconded by Karen Yelder. Meeting adjourned.

Next Meeting Tuesday, March 3, 2009 at 7 pm

Kelly Jones, EIAB Vice Chair

Cindy Stewart, EIAB Recording Secretary

A Regular Meeting of the Troy Library Advisory Board was held on Thursday, February 12, 2009, in the Conference Room of the Troy Public Library. Chair Kul Gauri called the meeting to order at 7:03 P.M.

ROLL CALL

PRESENT: Kul Gauri
Lynne Gregory
Nancy Wheeler
Audre Zembrzuski

Cathleen Russ, Library Director

Guests: Bonny Avery, Head of Youth Services for Troy Public Library

Resolution #LB-2009-2-01

Moved by Gregory

Seconded by Zembrzuski

RESOLVED, to excuse Belinda Shelton Duggan and Joel Xu from the Library Advisory Board meeting.

Yes: 4—Gauri, Gregory, Wheeler, Zembrzuski

No: 0

MOTION CARRIED

The Pledge of Allegiance to the Flag was given.

Resolution #LB-2009-2-02

Moved by Wheeler

Seconded by Gregory

RESOLVED, That the minutes of the Library Advisory Board meeting, held on Thursday, January 11, 2009, be approved, with one change—the meeting date is listed as Thursday, January 8. That should be changed to January 11.

Yes: 4—Gauri, Gregory, Wheeler, Zembrzuski

No: 0

MOTION CARRIED**Resolution #LB-2009-2-03**

Moved by Gregory

Seconded by Wheeler

RESOLVED, That the agenda for the Thursday, January 8, 2009, meeting, be approved.

Yes: 4—Gauri, Gregory, Wheeler, Zembrzuski

No: 0

MOTION CARRIED

PUBLIC COMMENT—None

BOARD MEMBER COMMENTS—Zembrzuski distributed a very positive article about public libraries that appeared in the March issue of Women's Day magazine. She is also sending copies to the Governor and state senators and representatives. Gauri would like to see the library's revenue projections at the next meeting. Wheeler would like background information about how/when/why the library and museum were combined into one department for the next meeting.

STUDENT REPRESENTATIVE'S COMMENTS—none

POSTPONED ITEMS

There were no Postponed Items.

INTRODUCTION TO YOUTH SERVICES—Bonny Avery, head of Youth Services, gave the LAB members a description of YS Librarians' job responsibilities and gave them a tour of the department.

OLD BUSINESS

A. Drive up materials return update

The Library Director distributed a diagram of the proposed parking lot configuration, if an outside drive-up materials return were to be implemented. The library director also shared pricing information for that project. Funds for this project were requested in the capital budget for the next fiscal year; however, the library director feels that this project has a lower priority than some other capital projects. Discussion ensued. The Library Advisory Board supports the library director's approach and took no formal action.

NEW BUSINESS

A. What else should be included in the LAB Reference Manual?

The LAB members would like to see an Organizational Chart and a pie chart which illustrates the distribution of the library's budget to staff, materials, operating costs, etc.

REPORTS & COMMUNICATIONS

Director's Report—was received and filed. A copy will be attached to the minutes of this meeting.

MOTION CARRIED.

Friends of the Troy Public Library—see attached report.

Gifts

The LAB members reviewed the gifts received this month.

Informational Items.

Website address for Troy Public Library calendar:

<http://sl.libcoop.net/troy/lib/eventcalendar.asp>

Contacts and Correspondence.

The Library Advisory Board members reviewed the Visitor Comments.

Adjournment

The Library Board meeting adjourned at 9:05 P.M. The next meeting of the Library Advisory Board is Thursday, March 12, 2009, at 7 pm.

Kul Gauri
Chairman

Cathleen Russ
Recording Secretary

Library Advisory Board Meeting
Thursday, February 12, 2009
7 p.m.

Director's Report—February

Budget

We are more than halfway through the fiscal year (ends June 30, 2009), and have used only 48% of our Operating Budget so far. This is very good!

I submitted the library's operating and capital budgets to John Lamerato, on time on Monday, February 9, 2009. These budgets will be incorporated into the overall city budget, and presented to the city council at several upcoming city council meetings (will advise you as to dates). I will let you know if there are any significant changes to either budget.

Personnel

Bonny Avery, head of Youth Services for 31 years, is retiring on Friday, February 20. At the city council meeting on Monday, February 16, 2009, a proclamation honoring Bonny's years of service will be issued at the beginning of the meeting.

Department heads will be making presentations to the LAB at their regularly-scheduled meetings starting in February. The schedule is as follows:

February 12	Bonny Avery, Youth Services
March 12	Carolyn Easter, Business Office
April 9	Lynne Lambert, Administration
May 14	Michele McQuaid, Technical Services

Suburban Library Cooperative

The City Council approved the purchase of the Polaris system for the library. I have confirmed this purchase with the Suburban Library Cooperative and will let them know of the proposed timeline for the changeover as soon as I know it.

General Library Operations

The RFID project is going well, with many regular volunteers reporting weekly. I haven't heard anything regarding the ICMA grant that I applied for, that promotes a closer working relationship between city government and the public library. I should be hearing something soon, and will let you know as soon as I do.

I gave two speeches about TPL this week, one on Monday, Feb. 9, to the Kiwanis Club, and the other on Wednesday, Feb. 11, to the Rotary. I enjoyed both groups very much and appreciated the opportunity to speak about the library.

F·R·I·E·N·D·S



of the TROY PUBLIC LIBRARY

STRONG LIBRARIES BUILD STRONG COMMUNITIES

Friends of the Troy Public Library
February 2009
Report to the Library Advisory Board

The Friends are happy to report that we have a membership of over 400 people and growing.

We celebrated our 50th anniversary with an event for members with John King, an antique book appraiser. It was attended by over 90 people and was a fun and educational evening.

Since September, we are working toward renovation of our Gift Shop and are currently awaiting some information from the City regarding updating our space. We held a January Blowout Sale, in which we sold existing merchandise, to make way for a new look and a green and more patron focused inventory. The sale was a success and we look forward to our new Friends Shop.

The Friends Book Shop partnered in an outreach project with two Athens High School students to donate over 150 boxes of books, nearly 5,000 books for the Invisible Children project. The books will be shipped to Northern Uganda to help that war torn country stock schools with books to help children become students and not soldiers. The project was spearheaded by students Adam Campbell and Kate Dickerson with the help of the Friends to collect a total of 23,700 books. The students were so excited with the outcome they have decided to continue to work with the FTPL to collect beyond the goal.

In 2008 the Friends donated over 600 boxes of books to various Troy, Michigan and U.S. organizations as well. We supported the Troy Community Center, Troy Boys and Girls Club, the Pontiac and Detroit Public Schools, Teach America Texas, Project Remnant and the St. Hugo's Soup Kitchen. The FTPL are reaching out in as many directions as possible to help those who need a hand.

The Friends of the Troy Public Library will continue on its mission to promote and support the library. We appreciate the important role of the TPL to our vibrant community, and will work for its continued excellence.

Submitted:
Rhonda Hendrickson
Communications Director

PARKS AND RECREATION ADVISORY BOARD

A regular meeting of the Troy Parks and Recreation Advisory Board was held Thursday, February 19, 2008 at the Troy Community Center. Chairman, Tom Krent called the meeting to order at 7:00 p.m.

Present:	Gary Hauff, member	Jeff Stewart, member
	Tom Krent, member	Pauline Noce, member
	Stuart Redpath, member	Kathleen Fejes, member
	Orestes Kaltsounis, member	Divya Subramanian, student representative
	Stuart Alderman, staff	Jeff Biegler, staff
	Carol K. Anderson, staff	

Absent: Tod Gazetti, Meaghan Kovacs, Jan Zikakis

Visitors: None

Resolution # PR-2009-02-01

Moved by Noce

Seconded by Redpath

RESOLVED, that the minutes from November 20, 2008 are approved as submitted.

Yes: All 7

MOTION CARRIED

NEW BUSINESS

- A. Parks and Recreation Advisory Board election – Last election was in January 2007. Members present decided to wait until all members are present to conduct an election.
- B. 2009-2010 Budget Information – Staff has submitted the department budget to management for review. Submittal includes a reduction in expenditures of approximately \$970,000 from previous fiscal year. Proposed reductions include: no irrigation on street islands except DDA area; no annuals to be planted except in DDA area; reduction of part-time summer seasonal staff. Budget will be presented at next Park board meeting.
- C. Park Naming Policy Revised – Council asked that the policy be reviewed as it was confusing. A revised draft was presented to members.

Resolution # PR-2009-02-02

Moved by Fejes

Seconded by Stewart

RESOLVED, to postpone action on the Park Naming Policy until the next Park Board meeting so that all can review.

Yes: All 7

MOTION CARRIED

- D. Community Center Annual Report – Report was reviewed. Highlights included: ADA grant received for \$11,000; expenditures were slightly over budget, but more than compensated with higher revenues; member survey results; meeting room usage up 5%; and discussed 2008-09 goals.

OLD BUSINESS

- A. Community Fair Fund Status – Thus far, expenses have exceeded revenue by approximately \$59,000 for 2008. The Community Fair Fund (Troy Daze) is separate from Parks and Recreation. No funds allocated for Parks and Recreation are used for Troy Daze.
- B. Park Naming Section 36-Milverton – No further update at this time.
- C. Pathways Update – Council approved Hamilton Anderson and Associates partnering with Greenways Collaborative to complete the pathways master plan. It is anticipated that the process will take approximately seven months.

Member Comments:

Stu Redpath – Inquired why we do not offer Oakland County park stickers. Staff explained that no inquiries have been received in the past, but will consider in future.

Gary Hauff – Inquired about profitability of both golf courses and Troy Family Aquatic Center. Carol Anderson explained that TFAC and Sylvan Glen revenues exceeded expenses for 2007-2008; Sanctuary Lake has not met the total debt payment.

Orestes Kaltsounis – Inquired how caterer at Sanctuary Lake is doing. Carol Anderson stated that they are performing per contract with positive feedback from customers.

Pauline Noce – Inquired if there will be any rate increases at the golf courses. Carol Anderson stated there are some changes and will distribute all rates at the next meeting.

Gary Hauff – Inquired about any additional privatization of services is being considered. Carol Anderson stated that none are being considered at this time.

Tom Krent – Confusion with meeting rooms last night at Community Center (groups switching rooms). Staff will look into what occurred. Mentioned the 30 Days To Health program and his appreciation of staff's efforts for this program.

Staff Reports

Directors Report –

- There will be no fee increases at the Aquatic Center in 2009.
- Early retirement incentives were offered by the city. Ms. Anderson indicated no Parks and Recreation staff opted for the incentive.
- A special meeting will be required for budget review and recommendation. The date will be announced as soon as it is available.

Resolution #PR-2009-02-03

Moved by Fejes

Seconded by Redpath

RESOLVED, That the Parks and Recreation Advisory Board next meeting should be a special meeting to discuss the 2009-2010 budget; time and date to be announced.

Yes: All – 7

MOTION CARRIED

Recreation Report –

- A staff member – Carla Vaughan – received the prestigious Leadership Award recently at the Michigan Recreation and Park Association annual conference.
- Spring brochure has been mailed to the community.
- Summer job applications are being accepted. A large turnout is expected.
- Nature Center exhibit display has been completed with the installation of the mastodon head.
- TFAC passes will go on sale in March for the summer season.
- Distributed a flyer on the “30 Days to Health” promotion that will take place in March.

Parks Report –

- Park shelter reservations began in early February. Low numbers on first day as compared to previous years, but reservations are still being made on a daily basis.
- Solar house had water damage recently as the pipes froze; major repairs are required – flooring and pipes.
- Security cameras will be installed at various department facilities in the near future – parks garage, nature center, aquatic center, and updates to the community center.
- Some other proposed budget reductions in the parks division include no tree planting; less total acreage of mowing including some “no mow zones”; fewer part-time seasonal staff; and staff will do tree injections rather than contractors, resulting in a savings to the department.

The meeting adjourned at 8:27 p.m.

Tom Krent, Chairman

Stu Alderman, Recording Secretary

A meeting of the **Troy Youth Council (TYC)** was held on February 25, 2009 at 7:00 PM at Troy Library, 510 W. Big Beaver. Jennifer Liang and Neil Shaw called the meeting to order at 7:04 p.m.

MEMBERS PRESENT: Willa Adamo
Disha Bora
Geon Woo Kim
Jason Lee
Jennifer Liang (Co Chair)
Joseph Niemiec
Sevita Rama
Shaina Sekhri (Secretary)
Neil Shaw (Co Chair)
David Wylie

MEMBERS ABSENT: Vikram Prasad, Rachita Singh and Emily Wang
VISITORS: Cathy Russ and Judy Frankly – Library
STAFF PRESENT: Scott Mercer, Recreation Supervisor

1. Roll Call

2. Approval of Minutes

Resolution # TY-2009-2-1

Moved by Liang
Seconded by Niemiec

RESOLVED, That the minutes of December 17, 2008 be approved.

Yes: All – 10

No: 0

Absent: 3 – Prasad, Singh, Wang

3. Attendance Report:

Report reviewed by council members, no comments.

4. Visitors

Cathy Russ, Library Director

Presented information regarding:

Library Operations

700,000 visits per year

1,500,000 items checked out per year

Judy Frankley, Librarian (Teens)

Teen Advisory Board

Current Events

Programs

5. Teens Taking Action

No Update

6. Troy Daze

-Discussion as to status of event and possible changes due to budget concerns.

7. Motion to Excuse Absent Members Who Have Provided Advance Notification

No Motion

Resolution # TY-2009-2-2

Moved by Sekhri

Seconded by Wylie

RESOLVED that Prasad is excused.

Yes: 10

No: 0

Absent: 3 - Prasad, Singh, Wang

8. Youth Council Comments – None

9. Public Comments – None

10. Adjournment – 7:44 p.m.

Jennifer Liang, Co-chair

Scott Mercer, Recreation Supervisor

Reminder Next Meeting: March 25 at 7:00 P.M.

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, March 5, 2009 at the Troy Community Center. Chair Bud Black called the meeting to order at 1:05PM.

Present: James Berar, Member
Frank Shier, Member
David Ogg, Member
Bud Black, Member
Betty Coven, Member
JoAnn Thompson, Member
Jo Rhoads, Member
Pauling Noce, Member
Merrill Dixon, Member
Carla Vaughan, Staff

Excused: None

Visitors: Paula Fleming

Approval of Minutes

Resolution # SC-2009-03-001

Moved by Noce

Seconded by Rhoads

RESOLVED, That the Minutes of Jan. 8, 2008 be approved as submitted.

Yes: 9

No: 0

MOTION CARRIED

Visitor Comments

Paula Fleming discussed upcoming school district events and news.

OLD BUSINESS

None

NEW BUSINESS

Suggestion Box: There were no new suggestions, but following up on a suggestion from January, Carla reported that the chair exercise video is now being shown on cable TV on Saturday and Sunday at 9 a.m.

Assistive Listening Device: Carla demonstrated the assistive listening device that is available for Community Center patrons to use.

Meeting Schedule: A discussion was held about the meeting schedule and whether or not there was enough business to warrant a meeting every month. The committee would like to continue to meet every month except July, August, and December.

REPORTS

Park Board: Pauline Noce reported on the latest Park Board meeting.

Senior Program: Carla reported that SHARP completed 317 jobs in 2008. The program is going great. SeniorNet volunteers will take over the technical support of the computer lab to save the cost of IT support. This will enable us to keep the lab open.

Medi-Go: Jo Rhoads reported that they have been talking about having a gold party as a fund raiser.

OLHSA: Jo Rhoads reported that they had a speaker from Catholic Social Services.

Oakland County Senior Advisory Board: Jo Rhoads reported that they are discussing topics for the upcoming legislative breakfast.

Comments

The meeting was adjourned at 2:45 p.m.

Respectfully submitted,

Bud Black, Chair

Carla Vaughan, Secretary

ELECTION COMMISSION MINUTES – Final**March 9, 2009**

A meeting of the Troy Election Commission was held Monday, March 9, 2009, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 8:05 AM.

ROLL CALL:

PRESENT: David Anderson, Timothy Dewan, City Clerk Tonni Bartholomew
ABSENT: None

Approval of Minutes: Regular Meeting of September 26, 2008

Resolution #EC-2009-03-001

Moved by Anderson

Seconded by Dewan

RESOLVED, That the Minutes of Friday, September 26, 2008, are **APPROVED** as submitted.

Yes: Anderson, Dewan, Bartholomew

No: None

MOTION CARRIED

Approval of Consolidation of All Applicable Precincts in the City of Troy for All Elections Which do not Contain Statewide Ballot Questions

Resolution #EC-2009-03-002

Moved by Dewan

Seconded by Anderson

RESOLVED, That the Election Commission of the City of Troy hereby **AUTHORIZES** that applicable precincts servicing qualified electors in the City of Troy be **CONSOLIDATED** for all elections which do not contain state-wide ballot questions as deemed necessary and in accordance with MCL 168.659.

Yes: Anderson, Dewan, Bartholomew

No: None

MOTION CARRIED

Adjournment:

The meeting was adjourned at 8:14 AM.

Tonni L. Bartholomew, MMC
City Clerk

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on March 10, 2009, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Michael W. Hutson
Mark Maxwell
Philip Sanzica
Robert Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann

Absent:

Mark J. Vleck

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney
Zak Branigan, Carlisle/Wortman Associates, Inc.
Bradley Raine, Student Representative
Kathy Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2009-03-025

Moved by: Sanzica
Seconded by: Edmunds

RESOLVED, To approve the Agenda as submitted.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

3. MINUTES

Resolution # PC-2009-03-026

Moved by: Maxwell
Seconded by: Hutson

RESOLVED, To approve the minutes of the March 3, 2009 Special/Study Meeting as submitted.

Yes: Edmunds, Hutson, Maxwell, Sanzica, Schultz, Strat, Ullmann
Abstain: Tagle
Absent: Vleck

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

PLANNED UNIT DEVELOPMENT

5. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 10) – Proposed Big Beaver and Kilmer Planned Unit Development Preliminary Development Plan Approval, Northeast Corner of Big Beaver and Kilmer, Section 22

Mr. Savidant gave a brief introduction.

Zak Branigan of Carlisle/Wortman Associates, Inc. briefly identified some issues addressed in the report prepared by Carlisle/Wortman. He addressed an administrative error in the PUD Development Agreement relating to the gross square footage of the three retail buildings. It is the recommendation of the Planning Consultant to recommend to City Council approval of the Preliminary Development Plan, with conditions that address the identified issues.

General discussion followed on:

- On-street parking.
- PUD Development Agreement.
- Executed easement for the three (3) residential parcels to the north.

The petitioner, Ryan Marsh of Landus Development, 32121 Woodward Avenue, Royal Oak, was present. Mr. Marsh addressed the on-street parking spaces and related discussion that took place at the City Council meeting. He also addressed the cross access agreement and the easement for the three residential properties to the north for landscaping and maintenance purposes. Mr. Marsh said they have met with all the neighbors, inclusive of the three residential properties to the north.

David Hunter, Project Landscape/Civil Engineer, Professional Engineering Associates (PEA), 2430 Rochester Road, Troy, addressed rain gardens and sprinkling.

Andrew Donaher, Project Architect, Niagara Murano LLC, 470 N. Old Woodward, Birmingham, addressed roof gardens.

PUBLIC HEARING OPENED

Jerome Ivan of 3101 Kilmer, Troy, was present. Mr. Ivan addressed concerns with the proposed on-street parking in relation to the turning radius for vehicles pulling from the residential driveways opposite the on-street parking.

PUBLIC HEARING CLOSED

Discussion about the proposed on-street parking continued.

Mr. Forsyth called for a Point of Order and asked Mr. Ullmann to read the complete Resolution, which follows.

Resolution # PC-2009-03----

Moved by: Ullmann
Seconded by: Sanzica

WHEREAS, The Planning Commission reviewed a Preliminary Development Plan for a Planned Unit Development, pursuant to Article 35.50.02, as requested by Landus Development for the BBK Mixed-Use Development Planned Unit Development (PUD 10), located on the northeast corner of Big Beaver and Kilmer, located in Section 22, within the O-1 and R-1E zoning districts, being approximately 2.546 acres in size; and

WHEREAS, City Council granted Concept Development Plan Approval for BBK Mixed-Use Development Planned Unit Development on December 15, 2008; and

WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated March 5, 2009 that recommends Preliminary Development Plan Approval of BBK Mixed-Use Development Planned Unit Development, with some conditions; and

WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.50.02.C; and

BE IT FINALLY RESOLVED, That the Planning Commission recommends to City Council that Preliminary Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted, subject to the applicant completing the following prior to the application going before City Council for consideration:

1. Replace the six on-street parking spaces on Kilmer Drive.
2. Provide tree preservation information.
3. Verify landscape area calculations.
4. Submit executed easement.
5. Prepare a proposed amendment to the PUD Development Agreement correcting the error related to the description of the gross square footage of Buildings B and C.
6. Address residents' concerns about their driveways being used for turnarounds.

Discussion on the motion on the floor.

It was determined to revise Condition #4 to specify that the easement is for the three residential properties to the north. Both the maker and supporter of the motion were in favor of the revision.

Discussion continued on the proposed on-street parking spaces.

Members Hutson, Strat and Schultz expressed opposition to the Resolution as proposed.

(Resolution as amended on the floor.)

Resolution # PC-2009-03-027

Moved by: Ullmann
Seconded by: Sanzica

WHEREAS, The Planning Commission reviewed a Preliminary Development Plan for a Planned Unit Development, pursuant to Article 35.50.02, as requested by Landus Development for the BBK Mixed-Use Development Planned Unit Development (PUD 10), located on the northeast corner of Big Beaver and Kilmer, located in Section 22, within the O-1 and R-1E zoning districts, being approximately 2.546 acres in size; and

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WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.50.02.C; and

BE IT FINALLY RESOLVED, That the Planning Commission recommends to City Council that Preliminary Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted, subject to the applicant completing the following prior to the application going before City Council for consideration:

1. Replace the six on-street parking spaces on Kilmer Drive.
2. Provide tree preservation information.
3. Verify landscape area calculations.
4. Submit executed easements for the three (3) residential properties to the north.
5. Prepare a proposed amendment to the PUD Development Agreement correcting the error related to the description of the gross square footage of Buildings B and C.
6. Address residents' concerns about their driveways being used for turnarounds.

Yes: Sanzica, Ullmann
No: Edmunds, Hutson, Maxwell, Schultz, Strat, Tagle
Absent: Vleck

MOTION FAILED

There was general discussion about driveways being used as turnarounds. Mr. Branigan stated that every driveway in the City has the potential to be used for a turnaround.

Resolution # PC-2009-03-028

Moved by: Hutson
Seconded by: Strat

WHEREAS, The Planning Commission reviewed a Preliminary Development Plan for a Planned Unit Development, pursuant to Article 35.50.02, as requested by Landus Development for the BBK Mixed-Use Development Planned Unit Development (PUD 10), located on the northeast corner of Big Beaver and Kilmer, located in Section 22, within the O-1 and R-1E zoning districts, being approximately 2.546 acres in size; and

WHEREAS, City Council granted Concept Development Plan Approval for BBK Mixed-Use Development Planned Unit Development on December 15, 2008; and

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BE IT FINALLY RESOLVED, That the Planning Commission recommends to City Council that Preliminary Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted, subject to the applicant completing the following prior to the application going before City Council for consideration:

1. Replace the six on-street parking spaces on Kilmer Drive.
2. Provide tree preservation information.
3. Verify landscape area calculations.
4. Submit executed easement for landscaping on residential properties to the north of the project.
5. Prepare a proposed amendment to the PUD Development Agreement correcting the error related to the description of the gross square footage of Buildings B and C.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

OTHER BUSINESS6. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

7. **PLANNING COMMISSION COMMENTS**

There was general discussion on:

- Meeting date for Joint Meeting of City of Troy and City of Birmingham.
- Stormwater retention presentation at a future Planning Commission meeting.
- Sample and color details for PUD applications.
- Distribution of meeting agenda packets.
- Master Plan presentation by Messrs. Savidant and Branigan at Oakland County Planners Gathering.
- Planning Department staff reduction.

The Regular Meeting of the Planning Commission adjourned at 8:38 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on March 10, 2009, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Michael W. Hutson
Mark Maxwell
Philip Sanzica
Robert Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann

Absent:

Mark J. Vleck

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney
Zak Branigan, Carlisle/Wortman Associates, Inc.
Bradley Raine, Student Representative
Kathy Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2009-03-025

Moved by: Sanzica
Seconded by: Edmunds

RESOLVED, To approve the Agenda as submitted.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

3. MINUTES

Resolution # PC-2009-03-026

Moved by: Maxwell
Seconded by: Hutson

RESOLVED, To approve the minutes of the March 3, 2009 Special/Study Meeting as submitted.

Yes: Edmunds, Hutson, Maxwell, Sanzica, Schultz, Strat, Ullmann
Abstain: Tagle
Absent: Vleck

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

PLANNED UNIT DEVELOPMENT

5. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 10) – Proposed Big Beaver and Kilmer Planned Unit Development Preliminary Development Plan Approval, Northeast Corner of Big Beaver and Kilmer, Section 22

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General discussion followed on:

- On-street parking.
- PUD Development Agreement.
- Executed easement for the three (3) residential parcels to the north.

The petitioner, Ryan Marsh of Landus Development, 32121 Woodward Avenue, Royal Oak, was present. Mr. Marsh addressed the on-street parking spaces and related discussion that took place at the City Council meeting. He also addressed the cross access agreement and the easement for the three residential properties to the north for landscaping and maintenance purposes. Mr. Marsh said they have met with all the neighbors, inclusive of the three residential properties to the north.

David Hunter, Project Landscape/Civil Engineer, Professional Engineering Associates (PEA), 2430 Rochester Road, Troy, addressed rain gardens and sprinkling.

Andrew Donaher, Project Architect, Niagara Murano LLC, 470 N. Old Woodward, Birmingham, addressed roof gardens.

PUBLIC HEARING OPENED

Jerome Ivan of 3101 Kilmer, Troy, was present. Mr. Ivan addressed concerns with the proposed on-street parking in relation to the turning radius for vehicles pulling from the residential driveways opposite the on-street parking.

PUBLIC HEARING CLOSED

Discussion about the proposed on-street parking continued.

Mr. Forsyth called for a Point of Order and asked Mr. Ullmann to read the complete Resolution, which follows.

Resolution # PC-2009-03----

Moved by: Ullmann
Seconded by: Sanzica

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WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated March 5, 2009 that recommends Preliminary Development Plan Approval of BBK Mixed-Use Development Planned Unit Development, with some conditions; and

WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.50.02.C; and

BE IT FINALLY RESOLVED, That the Planning Commission recommends to City Council that Preliminary Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted, subject to the applicant completing the following prior to the application going before City Council for consideration:

1. Replace the six on-street parking spaces on Kilmer Drive.
2. Provide tree preservation information.
3. Verify landscape area calculations.
4. Submit executed easement.
5. Prepare a proposed amendment to the PUD Development Agreement correcting the error related to the description of the gross square footage of Buildings B and C.
6. Address residents' concerns about their driveways being used for turnarounds.

Discussion on the motion on the floor.

It was determined to revise Condition #4 to specify that the easement is for the three residential properties to the north. Both the maker and supporter of the motion were in favor of the revision.

Discussion continued on the proposed on-street parking spaces.

Members Hutson, Strat and Schultz expressed opposition to the Resolution as proposed.

(Resolution as amended on the floor.)

Resolution # PC-2009-03-027

Moved by: Ullmann

Seconded by: Sanzica

WHEREAS, The Planning Commission reviewed a Preliminary Development Plan for a Planned Unit Development, pursuant to Article 35.50.02, as requested by Landus Development for the BBK Mixed-Use Development Planned Unit Development (PUD 10), located on the northeast corner of Big Beaver and Kilmer, located in Section 22, within the O-1 and R-1E zoning districts, being approximately 2.546 acres in size; and

WHEREAS, City Council granted Concept Development Plan Approval for BBK Mixed-Use Development Planned Unit Development on December 15, 2008; and

WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated March 5, 2009 that recommends Preliminary Development Plan Approval of BBK Mixed-Use Development Planned Unit Development, with some conditions; and

WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.50.02.C; and

BE IT FINALLY RESOLVED, That the Planning Commission recommends to City Council that Preliminary Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted, subject to the applicant completing the following prior to the application going before City Council for consideration:

1. Replace the six on-street parking spaces on Kilmer Drive.
2. Provide tree preservation information.
3. Verify landscape area calculations.
4. Submit executed easements for the three (3) residential properties to the north.
5. Prepare a proposed amendment to the PUD Development Agreement correcting the error related to the description of the gross square footage of Buildings B and C.
6. Address residents' concerns about their driveways being used for turnarounds.

Yes: Sanzica, Ullmann

No: Edmunds, Hutson, Maxwell, Schultz, Strat, Tagle

Absent: Vleck

MOTION FAILED

There was general discussion about driveways being used as turnarounds. Mr. Branigan stated that every driveway in the City has the potential to be used for a turnaround.

Resolution # PC-2009-03-028

Moved by: Hutson
Seconded by: Strat

WHEREAS, The Planning Commission reviewed a Preliminary Development Plan for a Planned Unit Development, pursuant to Article 35.50.02, as requested by Landus Development for the BBK Mixed-Use Development Planned Unit Development (PUD 10), located on the northeast corner of Big Beaver and Kilmer, located in Section 22, within the O-1 and R-1E zoning districts, being approximately 2.546 acres in size; and

WHEREAS, City Council granted Concept Development Plan Approval for BBK Mixed-Use Development Planned Unit Development on December 15, 2008; and

WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated March 5, 2009 that recommends Preliminary Development Plan Approval of BBK Mixed-Use Development Planned Unit Development, with some conditions; and

WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.50.02.C; and

BE IT FINALLY RESOLVED, That the Planning Commission recommends to City Council that Preliminary Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted, subject to the applicant completing the following prior to the application going before City Council for consideration:

1. Replace the six on-street parking spaces on Kilmer Drive.
2. Provide tree preservation information.
3. Verify landscape area calculations.
4. Submit executed easement for landscaping on residential properties to the north of the project.
5. Prepare a proposed amendment to the PUD Development Agreement correcting the error related to the description of the gross square footage of Buildings B and C.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

OTHER BUSINESS**6. PUBLIC COMMENTS – Items on Current Agenda**

There was no one present who wished to speak.

7. PLANNING COMMISSION COMMENTS

There was general discussion on:

- Meeting date for Joint Meeting of City of Troy and City of Birmingham.
- Stormwater retention presentation at a future Planning Commission meeting.
- Sample and color details for PUD applications.
- Distribution of meeting agenda packets.
- Master Plan presentation by Messrs. Savidant and Branigan at Oakland County Planners Gathering.
- Planning Department staff reduction.

The Regular Meeting of the Planning Commission adjourned at 8:38 p.m.

Respectfully submitted,



Robert M. Schultz, Chair



Kathy L. Czarnecki, Recording Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, March 11, 2009, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:10 p.m.

Trustees Present:

Mark Calice
David Eisenbacher
Thomas J. Gordon, II
John M. Lamerato
William R. Need (Ex-Officio)
Phillip L. Nelson
Steve Pallotta
Thomas Rosewarne

Minutes

Resolution # ER – 2009-3- 14

Moved by Lamerato

Seconded by Nelson

RESOLVED, That the Minutes of the February 10, 2009 meeting be approved.

Yeas: All – 7

Other Business – Investment Policy Review

The Board will adopt the revised investment policy at their April 08, 2009 board meeting.

Other Business – Ford and Earl Property

Resolution # ER – 2009-3- 15

Moved by Lamerato

Seconded by Pallotta

RESOLVED, That the board not exercise its right of first refusal option for the Ford and Earl property.

Yeas: All – 7

Other Business – Rules of Procedures Manual

Resolution # ER – 2009-3- 16

Moved by Eisenbacher
Seconded by Lamerato

RESOLVED, That the board add provisions for fiduciary liability insurance in its rules.

Yeas: All – 7

Investments

Resolution # ER – 2009-3- 17

Moved by Gordon
Seconded by Pallotta

RESOLVED, That the board buy and sell the following investments:

Sell: Liberty Media Interactive

Buy: 3,000 shares McDonalds
5,000 shares Oneok
5,000 shares Tractor Supply
6,000 shares Game Stop

Yeas: All – 7

Public Comment

Michael Kerr, retired police officer, reviewed two programs: Smoking cessation and world care packages.

Lori Bluhm, City Attorney, reviewed with the board a letter received by Dave Kecenda.

The next meeting is April 08, 2009 at 12:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:55 p.m.

A meeting of the **Troy Youth Council (TYC)** was held on March 25, 2009 at 7:00 PM at Troy Nature Center, 6685 Coolidge. Sevita Rama and Vikram Prasad called the meeting to order at 7:05 p.m.

MEMBERS PRESENT: Willa Adamo
Disha Bora
Geon Woo Kim
Jason Lee (Secretary)
Jennifer Liang
Vikram Prasad (Co Chair)
Sevita Rama (Co Chair)
Shaina Sekhri
Neil Shaw
Emily Wang
David Wylie

MEMBERS ABSENT: Joseph Niemiec, Rachita Singh
VISITORS: Cathy Russ and Judy Frankly – Library
STAFF PRESENT: Scott Mercer, Recreation Supervisor

1. Roll Call

2. Approval of Minutes

Resolution # TY-2009-3-3

Moved by Kim
Seconded by Wylie

RESOLVED, That the minutes of February 25, 2009 be approved.

Yes: All – 11

No: 0

Absent: 2 – Niemiec, Singh

3. Attendance Report:

Report reviewed by council members, no comments.

4. Visitors

Stacey Yankee, Nature Center Director

Visited Sugar Shack

Update on sap production, upcoming events, volunteer opportunities, budget issues, visitors per year and several other items.

5. Teens Taking Action

5 K Run coming up in April

6. Troy Daze

No report

7. Motion to Excuse Absent Members Who Have Provided Advance Notification

No Motion

Resolution # TY-2009-3-4

Moved by	Sekhri
Seconded by	Bora

RESOLVED that Niemiec, Singh are excused.

Yes: 11

No: 0

Absent: 2 - Niemiec, Singh

8. Youth Council Comments – None

9. Public Comments – None

10. Adjournment – 7:50 p.m.

Vikram Prasad, Co-chair

Scott Mercer, Recreation Supervisor

Reminder Next Meeting: April 22 at 7:00 P.M.

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, April 1, 2009 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Bill Nelson
Tim Richnak
Mark Stimac
Frank Zuazo

ALSO PRESENT: Pam Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MARCH 4, 2009

Motion by Richnak
Supported by Nelson

MOVED, to approve the minutes of the meeting of March 4, 2009 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. WARREN EMERSON, SMART, 2021 BARRETT,
for relief of Chapter 83 to install new fencing at the SMART facility on Barrett.

Mr. Dziurman explained that Mr. Emerson had submitted a letter requesting that this item be postponed until the meeting of May 6, 2009.

Motion by Nelson
Supported by Richnak

MOVED, to postpone the request of Warren Emerson, SMART, 2021 Barrett, for relief of Chapter 83 to install new fencing at the SMART facility on Barrett until the meeting of May 6, 2009.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL MAY 6, 2009 CARRIED

ITEM #3 – VARIANCE REQUESTED. SENTRY SECURITY SYSTEMS, 1163 SOUTER,
for relief of Chapter 83 to install an electrified security fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter to electrically charge a 10' high fence at 1163 Souter. Chapter 83, paragraph 4 prohibits electrically charged fences on any property throughout the City.

ITEM #3 – con't.

This item last appeared before this Board at the meeting of March 4, 2009 and was postponed to allow the petitioner the opportunity to contact surrounding property owners to determine whether they would be in favor of this electrified security fence.

Mr. Stimac further stated that the petitioner had provided six (6) letters of approval from owners, as well as tenants of the adjacent property.

Cindy Vaughn of Sentry Security Systems was present and distributed three (3) additional approvals. Mr. John Westendorf of Old Dominion Freight Lines was also present.

Mr. Richnak asked how the notices were sent out.

Ms. Vaughn said that they had mailed each letter and included a self-addressed stamped envelope for return. The only property that she did not receive a response from was the DHL building which is vacant.

Mr. Dziurman asked about the signage on the fence.

Ms. Vaughn said that the standard is a yellow warning sign and they are placed at 50' intervals along the fence. Ms. Vaughn also stated that if the Board wished they could place the signs at 25' intervals. The signs are written in both English and Spanish.

Mr. Dziurman asked if the issues with the gate have been taken care of.

Mr. Nelson said that he had met with the petitioner and the concerns that he had with the gate have been taken care of.

There is one (1) written objection on file. There are nine (9) written approvals on file.

Motion by Nelson
Supported by Richnak

MOVED, to grant the request of Sentry Security Systems, 1163 Souter, for relief of Chapter 83 to install an electrified security fence.

- All requirements of the Fire Department as sent to petitioner on February 24, 2009 will be met.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 4 – Dziurman, Nelson, Richnak, Zuazo
Abstain: 1 – Stimac

MOTION TO GRANT VARIANCE CARRIED

Mr. Stimac explained that according to the provisions of Chapter 79, he is a member of the Building Code Board of Appeals. However, the petitioners are before the Board to appeal a decision made by him. In the past an employee of the Building Department has been appointed to serve as a designee of the Building Official. This procedure has been in place for the past thirty (30) years. Mr. Stimac would like to approach Council to change Chapter 79 so that there is no appearance of conflict of interest and appoint a person with the necessary qualifications to this position. Until this happens, Mr. Stimac indicated that he would abstain from voting on certain issues.

Mr. Richnak stated that he does not feel there has ever been any type of conflict and each member expresses concerns when necessary.

Mr. Stimac stated that he has never had issues with any of the Board members and it has not come up in the past.

Mr. Dziurman stated that he feels that this is a logical way to go.

Mr. Richnak pointed out that the City has the expertise to know what is required in the field that a lay person may not address. Mr. Richnak feels that this Board is a well-rounded group of people.

Mr. Nelson also said that he thought it would be a good idea to explore the possibility of having someone else address the Fire Codes. Mr. Nelson pointed out that very often he is voting on a decision made by someone in his Department also.

Mr. Stimac further stated that he was going to discuss his concerns with the City Attorney's office to determine if these changes could be made and would keep the Board apprised of the situation.

The Building Code Board of Appeals meeting adjourned at 8:58 A.M.

Ted Dziurman, Chairman

Pam Pasternak, Recording Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, April 2, 2009 at the Troy Community Center. Chair Bud Black called the meeting to order at 1:02PM.

Present: James Berar, Member
Frank Shier, Member
David Ogg, Member
Bud Black, Member
Betty Coven, Member
JoAnn Thompson, Member
Jo Rhoads, Member
Pauling Noce, Member
Merrill Dixon, Member
Carla Vaughan, Staff

Excused: None

Visitors: None

Approval of Minutes

Resolution # SC-2009-04-001

Moved by Rhoads

Seconded by Noce

RESOLVED, That the Minutes of March 5, 2009 be approved as submitted.

Yes: 9

No: 0

MOTION CARRIED

Visitor Comments

None.

OLD BUSINESS

None

NEW BUSINESS

Suggestion Box: There were no suggestions.

Election of Officers and Recommendation for Park Board Representative:

Resolution # SC-2009-4-002

Moved by Shier
Seconded by Noce

RESOLVED That David Ogg was elected Chair.
Yes: 9
No: 0

MOTION CARRIED

Resolution # SC-2009-4-003
Moved by Shier
Seconded by Rhoads

RESOLVED That Jo Rhoads was elected as Vice Chair

Yes: 9
No: 0

MOTION CARRIED

Resolution # SC-2009-4-003
Moved by Noce
Seconded by Rhoads

RESOLVED That JoAnn Thompson was recommended for appointment to the Park Board

Yes: 9
No: 0

MOTION CARRIED

REPORTS

Park Board: No report.

Senior Program: Carla reported that Signature Reverse Mortgage Company donated a Wii game system that the seniors can check out and use at the Community Center. There is one person signed up for the shuffleboard league and two for the bocce league. Carla will double check to see that the instructions for checking out the equipment is posted by the courts. More publicity will be done for the leagues. Lynn was laid off and Carla and Elaine are picking up her program responsibilities. The only program of Lynn's that has been dropped is the walking club due to lack of participation.

Medi-Go: Jo Rhoads reported that they have a gold party fund raiser coming up April 17 and 18.

OLHSA: Jo Rhoads reported that they had a speaker from Catholic Social Services.

Oakland County Senior Advisory Board: Jo Rhoads reported that they are discussing topics for the upcoming legislative breakfast.

Comments

The meeting was adjourned at 1:55 p.m.

Respectfully submitted,

Bud Black, Chair

Carla Vaughan, Secretary

ELECTION COMMISSION MINUTES – Draft**April 2, 2009**

A meeting of the Troy Election Commission was held Thursday, April 2, 2009, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 8:12 AM.

ROLL CALL:

PRESENT: David Anderson, City Clerk Tonni Bartholomew
ABSENT: Timothy Dewan

Approval of Minutes: Regular Meeting of September 26, 2008

Resolution #EC-2009-04-003
Moved by Anderson
Seconded by Bartholomew

RESOLVED, That the Minutes of September 26, 2008, are **APPROVED** as submitted.

Yes: Anderson, Bartholomew
No: Dewan

MOTION CARRIED

Approval of Minutes: Regular Meeting of March 9, 2009

Resolution #EC-2009-04-004
Moved by Anderson
Seconded by Bartholomew

RESOLVED, That the Minutes of March 9, 2009, are **APPROVED** as submitted.

Yes: Anderson, Bartholomew
No: Dewan

MOTION CARRIED

Approval of Consolidation of All Applicable Precincts in the City of Troy for All Elections Which do not Contain Statewide Ballot Questions

Resolution #EC-2009-04-005
Moved by Anderson
Seconded by Bartholomew

RESOLVED, That the Election Commission of the City of Troy hereby **AUTHORIZES** that applicable precincts servicing qualified electors in the City of Troy be **CONSOLIDATED** for all elections which do not contain state-wide ballot questions as deemed necessary and in accordance with MCL 168.659.

Yes: Anderson, Bartholomew
No: Dewan

MOTION CARRIED

Approval of Election Inspector Assignments – Tuesday, May 5, 2009 Election

Resolution #EC-2009-04-005
Moved by Anderson
Seconded by Bartholomew

RESOLVED, That the Election Commission hereby **APPROVES** the appointment of Election Inspectors for the Tuesday, May 5, 2009 Election, as presented by the City Clerk.

Yes: Anderson, Bartholomew
No: Dewan

MOTION CARRIED

Adjournment:

The meeting was adjourned at 8:16 AM.

Tonni L. Bartholomew, MMC
City Clerk

LIBRARY ADVISORY BOARD - DRAFT

April 9, 2009

A Regular Meeting of the Troy Library Advisory Board was held on Thursday, April 9, 2009, in the Director's Office of the Troy Public Library. Chair Kul Gauri called the meeting to order at 7:05 P.M.

ROLL CALL **PRESENT:** Belinda Shelton Duggan
Kul Gauri
Audre Zembrzuski

Cathleen Russ, Library Director

Guests: Lynne Lambert, Administrative Assistant; Julie Sigler

The Pledge of Allegiance to the Flag was given.

Resolution #LB-2009-3-01

Moved by Zembrzuski

Seconded by Duggan

RESOLVED, that Lynne Gregory, Nancy Wheeler and Joel Xu be excused.

Yes: 3—Duggan, Gauri, Zembrzuski

No: 0

MOTION CARRIED

Resolution #LB-2009-3-02

Moved by Duggan

Seconded by Zembrzuski

RESOLVED, That the minutes of the Library Advisory Board meeting, held on Thursday, March 12, 2009, be approved.

Yes: 3—Duggan, Gauri, Zembrzuski

No: 0

MOTION CARRIED

Resolution #LB-2009-3-03

Moved by Duggan

Seconded by Zembrzuski

RESOLVED, That the agenda for the Thursday, April 9, 2009, meeting, be approved.

Yes: 3—Duggan, Gauri, Zembrzuski

No: 0

MOTION CARRIED

PUBLIC COMMENT—None

BOARD MEMBER COMMENTS—Zembrzuski asked if Friends meeting schedule could be posted. C. Russ will pass this suggestion on to the Friends.

STUDENT REPRESENTATIVE’S COMMENTS—None.

POSTPONED ITEMS

There were no Postponed Items.

INTRODUCTION TO THE BUSINESS OFFICE—Lynne Lambert, Administrative Assistant to the Library Director, gave a presentation regarding her job responsibilities.

OLD BUSINESS

- A. RFID update—See Director’s Report
- B. Café update—see attached memo sent to City Council for their April 6, 2009, meeting.

NEW BUSINESS

- A. Choosing an LAB representative on the “Name the Café” contest panel.
Audre Zembrzuski was chosen to represent the LAB on this panel. C. Russ will apprise Mrs. Zembrzuski of the meeting date.

REPORTS & COMMUNICATIONS

Director’s Report—was received and filed. A copy will be attached to the minutes of this meeting.

MOTION CARRIED.

Friends of the Troy Public Library—no report.

Gifts

The LAB members reviewed the gifts received this month.

Informational Items.

Website address for Troy Public Library calendar:

<http://sl.libcoop.net/troy/lib/eventcalendar.asp>

Contacts and Correspondence.

The Library Advisory Board members reviewed the Visitor Comments.

Adjournment

The Library Board meeting adjourned at 8:10 P.M. The next meeting of the Library Advisory Board is Thursday, May 14, 2009, at 7 pm.

Kul Gauri
Chairman

Cathleen Russ
Recording Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, April 13, 2009 in the Council Board Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:05 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Patrick C. Hall
Andrew Kaltsounis
David S. Ogg
Susan Lancaster, Assistant City Attorney
Officer James Feld
Pat Gladysz

ABSENT: Timothy P. Payne
Bohdan L. Ukrainec

Resolution to Excuse Committee Members Payne & Ukrainec

Resolution #LC2009-04-004

Moved by Godlewski

Seconded by Kaltsounis

RESOLVED, that the absence of Committee members Payne and Ukrainec at the Liquor Advisory Committee meeting of April 13, 2009 BE EXCUSED.

Yes: 5

No: 0

Absent: Payne, Ukrainec

Resolution to Approve Minutes of February 9, 2009 Meeting

Resolution #LC2009-04-005

Moved by Ogg

Seconded by Godlewski

RESOLVED, that the Minutes of the February 9, 2009 meeting of the Liquor Advisory Committee be approved.

Yes: 5
No: 0
Absent: Payne, Ukrainec

Agenda Items

1. **Wal-Mart Stores East, Limited Partnership** request transfer ownership of escrowed 2008 SDD license only from Whole Foods Market Group, Inc.; and transfer location from 4052 Rochester to 2001 W. Maple, Troy, MI 48084, Oakland County to be held in conjunction with existing SDM license. {MLCC Req #490232} *Approval of this request would allow for the sale of spirits (21% alcohol and higher) for consumption off premise. The current license is in escrow in Troy.*

Present to answer questions from the Committee were attorney Sandy Cotter and Wal-Mart store manager Nicole Chase.

Ms. Cotter spoke to the Committee and gave the history of the liquor license in question. Diagrams and photographs were distributed showing the Wal-Mart store and the secure area where liquor will be displayed. An initial liquor inventory of \$20,000 to \$25,000 is anticipated. Ms. Cotter and Ms. Chase both answered questions from the Committee with regard to the October 2, 2008 compliance violation.

Resolution #LC2009-04-006

Moved by Hall

Seconded by Ogg

RESOLVED, that Wal-Mart Stores East, Limited Partnership be allowed to transfer ownership of escrowed 2008 SDD license only from Whole Foods Market Group, Inc.; and transfer location from 4052 Rochester to 2001 W. Maple, Troy, MI 48084, Oakland County to be held in conjunction with existing SDM license.

Yes: 5
No: 0
Absent: Payne, Ukrainec

Tabled Items

Officer Feld reported that M & M Troy, Inc. still has not submitted an inventory layout to the Fire Department. Officer Feld plans to contact them this week.

Assistant City Attorney Susan Lancaster spoke briefly about the recent liquor violation at Lebanese Grill, 1600 Rochester Road. She also mentioned the upcoming Michigan Liquor Control Commission event sponsored by the Troy Community Coalition. The flyer will be emailed to all Committee members.

The meeting adjourned at 7:25 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

TROY ETHNIC ISSUES ADVISORY BOARD
Minutes for Tuesday, April 14, 2009

I. Call to Order 7:05 pm

II. Roll Call

Present Kelly Jones
 Cathy Francois
 Mayada Fakhouri
 Sharon MacDonell
 John Witt
 Reuben Ellis
 Michelle Haight
 Lily Huang, student rep
 Aries Tao, student rep
 Cindy Stewart, City Liaison

Absent Veena Rao
 Karen Yelder

III. Approval of Minutes – February 10, 2009

Motion by Cathy Francois

Seconded by John Witt to approve the February 10, 2009 minutes.

IV. New Business

a. Introduction of new Board members:

Sharon MacDonell has been a Troy resident for 3-1/2 years and is married to a Japanese-American man. They have adopted two daughters from China who attend Leonard Elementary. She is starting a cross-cultural committee at Leonard that will launch a cultural fair in the Spring of 2010.

b. Correspondence/Articles:

- Free Press: Police shooting of black man probed in Louisiana

- Thursday, May 7 at 7 pm: Troy Interfaith Group invites all to event at Big Beaver United Methodist Church called "Lift Every Voice" to celebrate National Day of Prayer.

- CAPA Bridging the Generation Gap Workshop – Saturday, May 16, from 1-4 pm for middle school and high school students, parents and teachers. It will be held at Oakland Community College, Auburn Hills campus. Free.

- Schroder Elementary PTO presents a "Multicultural Toolbox" workshop on Tuesday, April 21, at 7 pm.

c. EIAB Meetings

In past months, we have had problems making quorum. Kelly Jones is suggesting meetings every other month. With pulling away from Troy Daze EthniCity and focusing on school events/workshops, the need for monthly meetings is no longer there. This would be a more efficient and effective use of time. It's very frustrating for people to come to the meeting and then find there is no quorum; Board Members have not been good about letting the chair or staff liaison know they cannot attend.

John Witt noted that if the group changes the meeting schedule to every other month, everyone must make sure to attend the reduced number of meetings.

Kelly Jones said going forward, when members receive the agenda, they must respond back to Cindy Stewart as to whether or not – yes or no -- they are going to attend the meeting.

The following new meeting schedule was proposed: first Tuesdays in February, April, June, August, and October, and the second Tuesday of November.

Michelle Haight moved to approve the new meeting schedule. The motion was seconded by Cathy Francois. The motion was approved. Cindy will send a new schedule to the Clerk's Office for posting.

V. Old Business

a. Troy Daze – EthniCity Poster Contest

The group brainstormed a number of ideas – Tapestry of Troy; How Life is Better with Friends of Different Cultures; Tapestry of Troy's Diversity; Together We Grow from Different Cultures; Celebrating Diversity – Together We Grow; Celebrating Multiculturalism – The Tapestry of Troy.

Lily Huang proposed "Embrace One Another ... Together We Grow." The group approved the idea for the 2009 EthniCity Poster Contest Theme.

Michelle will look at additional ways to get more school participation. Flyers will be at City facilities and sent out with the e-Newsletter to the schools.

b. Troy School District Updates

1. Elementary Schools – Schroeder Elementary PTO presents "Multicultural Toolbox: Strategies for Raising our Children with Culture(s), Community and Pride.
2. High Schools – Michelle Haight sent the Cultural Connection Calendar to Tim McAvoy. Cindy Stewart will forward to the Board.
 - Athens High Diversity Day – May 6th at 7 pm in the Auditorium. Includes food and entertainment. Free.
 - Baker Middle School Diversity Day – May 6, 8 am-1 pm for all students.

3. Smith Middle School had their Diversity Day on March 31.
4. Cultural Connections – Team Troy, 3-18-09 at Islamic Center of Greater Detroit. Nadeen Brown and Michael & Aretha Bradley represented the African American Voice and Asad Ali and Ali Lela from IAGD represented the Islamic Voice. 30 Troy administrators were in attendance. The next Cultural Connection will focus on the “Korean Voice” and will be held at the United Methodist Church. This will include a wrap-up evaluation.

c. Cultural Brochures

All will send Cindy information related to Chinese, Indian, Arabic/Chaldean brochures.

d. African American Support Group

The group meets the second Monday each month at the Troy School District Services Building.

VI. Staff Report

- a. The translation of the Refuse/Recycling brochure has been completed in Chinese by Lily and her parents and in Arabic by Mayada.

VII. Member Comment

Reuben commended Michelle for helping diffuse a situation at a Middle School.

There is a consensus among the Board members that the Troy School District continues to embrace diversity and we can all keep learning and teaching our children (and adults) about diversity. The EIAB is making great strides in helping to facilitate diversity.

VIII. Adjournment 8:36 pm

Motion by Kelly Jones, seconded by Cathy Francois. Meeting adjourned.

Next Meeting Tuesday, June2, 2009 at 7 pm

Kelly Jones, EIAB Vice Chair

Cindy Stewart, EIAB Recording Secretary

CITY COUNCIL EXPENSE REPORT
Month of April 2009

<u>Council Person</u>	<u>Expense Date</u>	<u>Purpose</u>	<u>Amount</u>	<u>Totals</u>
Beltramini, Robin	4/2/2009	Quarterly Fax & DSL Line April, May, & June 2009	\$ 123.72	
Broomfield, Cristina	4/2/2009	Quarterly Fax & DSL Line April, May, & June 2009	\$ 194.85	\$ 123.72
Fleming, Wade	4/2/2009	Quarterly Fax & DSL Line April, May, & June 2009	\$ 215.70	\$ 194.85
Howrylak, Martin F.			\$ -	\$ 215.70
Kerwin, Mary	4/2/2009	Quarterly Fax & DSL Line April, May, & June 2009	\$ 212.85	0.00
Schilling, Louise E.	4/2/2009	Quarterly DSL Line April, May, & June 2009	\$ 117.90	\$ 212.85
Eisenbacher, David	4/2/2009		\$ -	\$ 117.90
			\$ -	
Total for Month				\$ 865.02

NOTE: This report is presented in compliance with Rules of Procedure for the City Council,
Item 18. Miscellaneous Expenses

Date Prepared: 4/2/2009
Final Preparation By: J. Nash

DATE: April 1, 2009

TO: John Szerlag, Acting City Manager

FROM: Mark Stimac, Director of Building & Zoning

SUBJECT: Permits issued March 2009

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
Add/Alter	2	\$360,000.00	\$3,830.00
Sub Total	2	\$360,000.00	\$3,830.00
<u>COMMERCIAL</u>			
Completion (New)	1	\$765,000.00	\$7,765.00
Tenant Completion	1	\$120,000.00	\$1,315.00
Add/Alter	10	\$642,320.00	\$7,570.00
Sub Total	12	\$1,527,320.00	\$16,650.00
<u>RESIDENTIAL</u>			
New	3	\$394,260.00	\$4,295.00
Add/Alter	16	\$288,395.00	\$4,190.00
Garage/Acc. Structure	1	\$750.00	\$35.00
Repair	3	\$233,119.00	\$2,605.00
Fire Repair	5	\$534,163.00	\$5,925.00
Sub Total	28	\$1,450,687.00	\$17,050.00
<u>TOWN HOUSE/CONDO</u>			
Repair	2	\$6,000.00	\$150.00
Sub Total	2	\$6,000.00	\$150.00
<u>MISCELLANEOUS</u>			
Signs	27	\$0.00	\$3,200.00
Fences	5	\$0.00	\$75.00
Sub Total	32	\$0.00	\$3,275.00
TOTAL	76	\$3,344,007.00	\$40,955.00

PERMITS ISSUED DURING THE MONTH OF MARCH 2009

	NO.	PERMIT FEE
Mul. Dwel. Insp.	330	\$3,300.00
Cert. of Occupancy	15	\$1,195.00
Plan Review	41	\$1,896.00
Microfilm	15	\$135.00
Building Permits	76	\$40,955.00
Electrical Permits	108	\$5,723.00
Heating Permits	67	\$3,505.00
Air Cond. Permits	23	\$1,055.00
Plumbing Permits	62	\$5,051.00
Storm Sewer Permits	10	\$262.00
Sanitary Sewer Permits	3	\$75.00
Sewer Taps	6	\$1,306.00
TOTAL	756	\$64,458.00

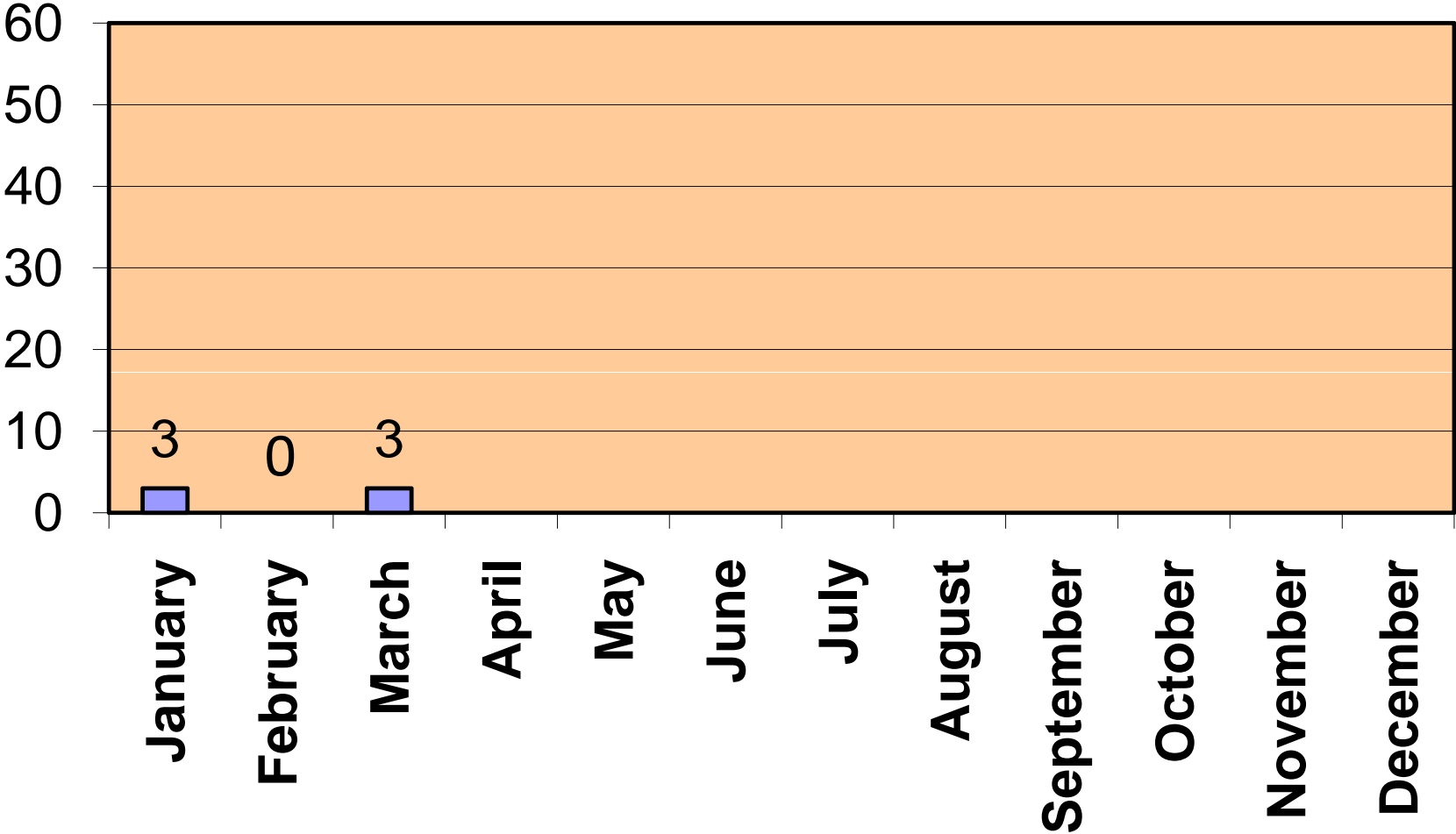
LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF MARCH 2009

	NO.	LICENSE FEE
Mech. Contr.-Reg.	18	\$90.00
Elec. Contr.-Reg.	31	\$465.00
Master Plmb.-Reg.	6	\$30.00
Sign Inst. - Reg.	3	\$30.00
E. Sign Contr-Reg.	4	\$60.00
Bldg. Contr.-Reg.	12	\$120.00
F.Alarm Contr.-Reg.	3	\$45.00
TOTAL	77	\$840.00

BUILDING PERMITS ISSUED

	BUILDING PERMITS 2008	PERMIT VALUATION 2008	BUILDING PERMITS 2009	PERMIT VALUATION 2009
JANUARY	71	\$4,678,432.00	66	\$5,215,813.00
FEBRUARY	81	\$5,464,681.00	39	\$2,463,134.00
MARCH	107	\$3,480,525.00	76	\$3,344,007.00
APRIL	141	\$10,518,298.00	0	\$0.00
MAY	161	\$4,357,036.00	0	\$0.00
JUNE	161	\$8,178,329.00	0	\$0.00
JULY	160	\$10,497,107.00	0	\$0.00
AUGUST	122	\$15,981,779.00	0	\$0.00
SEPTEMBER	134	\$13,136,548.00	0	\$0.00
OCTOBER	114	\$3,760,152.00	0	\$0.00
NOVEMBER	109	\$35,574,774.00	0	\$0.00
DECEMBER	66	\$1,762,444.00	0	\$0.00
TOTAL	1427	\$117,390,105.00	181	\$11,022,954.00

SINGLE FAMILY DWELLING PERMITS 2009



Printed: Apr 1, 2009

Page: 1

BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS
ISSUED DURING THE MONTH OF MARCH 2009

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	SMILE CENTERS PC	4000 LIVERNOIS A	125,000
Commercial, Add/Alter	R & G CONTRACTORS INC.	1650 RESEARCH 200	295,000
Total Commercial, Add/Alter			420,000
Commercial, Completion New	SYNERGY GROUP	755 W BIG BEAVER 150	765,000
Total Commercial, Completion New			765,000
Commercial, Tenant Completion	MILLCREEK BUILDILNG CO	3435 LIVERNOIS	120,000
Total Commercial, Tenant Completion			120,000
Industrial, Add/Alter	D & S CONTRACTORS, INC	1010 NAUGHTON	325,000
Total Industrial, Add/Alter			325,000
Records 6			Total Valuation: 1,630,000



CITY COUNCIL REPORT

April 1, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
James A. Nash, Financial Services Director
Stephen Cooperrider, Risk Manager

SUBJECT: Agenda Item – City Employees' Short-term Disability (STD), Long-term Disability (LTD), Life, and Accidental Death and Dismemberment (AD&D) Insurance Coverage

The City of Troy has consistently acted to provide insurance benefits at a reasonable cost. City administration has always selected the insurers for this coverage based on cost and coverage required by collective bargaining agreements.

While reviewing disability and life insurance, Risk Management directed our insurance agent, Willis HRH, Inc. to assist us in obtaining quotes from other insurance carriers. Our Willis HRH agent, requested quotes from fourteen nationally recognized insurance companies. They included: Aetna, Assurant, Guardian, Reliance Standard, Unum, Sun Life, The Hartford, Lincoln Financial, MetLife, CIGNA, The Standard, Prudential, Mutual of Omaha, and The Principal. We received eight quotes that included all coverage (one of the carriers provided an alternate quote). Five declined to quote, one chose to quote only the Life and AD&D, and one chose not to respond to the request for proposals. The five that declined to quote indicated their underwriting platform could not accommodate the risk profile.

Our Willis HRH agent presented the quotes and coverage to the Employee Insurance Benefits Committee for review and questions. Through the interest based bargaining format in 2002, the City proposed to all five union groups to create an employee insurance benefits committee. All five union groups agreed to the creation of this committee. The committee consists of a representative from each union, a classified group employee, and City management. The mission of the committee is to develop a common insurance benefits platform for all full-time employees. The committee investigates and evaluates ways to reduce costs, recommends appropriate coverage for employees, evaluates insurance carriers, and provides an open forum to exchange insurance benefit information.

Our agent and the Committee (unanimously) are recommending the Hartford Insurance Company (3/3/3 year rate guarantee) Option 2 to City Management. The savings in premium in the first year is estimated at \$55,857 (a 21.59% savings) compared to the estimated premium to be paid if we remain with our current insurance carrier the Standard Insurance Company. As in the past, our agent indicated that it would be more efficient to have only one carrier for the STD and LTD coverage, this would reduce insurer administrative errors, and cause fewer problems for doctors having to provide medical documentation to more than one insurer for the same claim. Quotes from the various insurers are provided below and include the Life and AD&D, STD, and LTD, coverage combined.

<u>Insurer</u>	<u>Estimated Annual Premium</u>
The Hartford (3/2/3) Option 1	\$199,050
Prudential (3/2/3)	\$199,623
The Hartford (3/3/3) Option 2	\$202,867
Unum (3/2/3)	\$209,609
CIGNA (3/2/3)	\$214,709
Aetna (3/2/2)	\$255,382
The Standard (3/3/3)	\$258,723 (current carrier)
Mutual of Omaha (3/2/3)	\$269,811

The City requested a three-year rate guarantee on all coverage (Life/STD/LTD). Only The Hartford and The Standard provided such a quote. The Hartford Option 2 quote was the lowest for the coverage combined with the three year rate guarantee. In addition, the benefit level for The Hartford program is what the City requested. The coverage can also be modified to include enhancements that will benefit both the City and the employees at no additional cost. In fact, the enhancements could actually help the City reduce claim costs thereby reducing future premiums.

The Hartford is currently the insurer for several governmental entities in Michigan. The list includes, among others:

County of Genesee	Road Commission for Oakland County
Troy School District	City of Saginaw
County of Wayne	County of Bay
SMART	Portage Public Schools

The Risk Management Department has contacted all the governmental entities listed above for references on The Hartford program. All are pleased with the service they have experienced through The Hartford. The Hartford also maintains offices in Birmingham, Michigan.

As with other insurance coverage we explored the possibility of a self-insurance program. The advantage to self-insuring is there is no premium. The disadvantages to the City would include cost for claims and an administrative fee per covered employee. There could also be some fluctuation in claims from one month to the next that could create cash flow problems.

After conducting the review of the recent years' annual premium paid versus the annual claims paid we determined there is no benefit to the City or the employees to go to a self-insured program at this time. We will revisit self-insuring this coverage should it become more cost effective.

City of Troy
Office of the Mayor and City Council
500 W Big Beaver Road
Troy, MI 48084

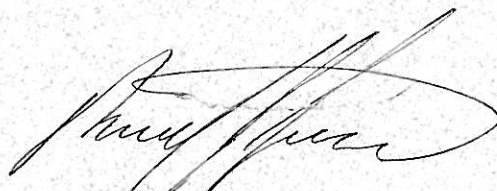
6 April 2009

Dear Mayor Schilling and City Council,

I speak for the whole class of the Winter/Spring Graduates of the Troy Citizens Academy when I say what a wonderful experience it was! Not only did we enjoy our class time and the hands-on demonstrations, but we are much better prepared to volunteer, help, and serve this great city because of the training we received.

I would like to give special thanks to our host over the last several weeks, Ms. Cindy Stewart. She demonstrated her dedication to the city and its future on a weekly basis by her preparation, organization and hospitality. Please pass on our comments and extend our thanks!

Having worked for many years in the U.S. Military, where planning is so important to the success of any project, I am convinced that the City of Troy is exceptionally well run and prepared for the future. I want to thank the city leaders for supporting the Troy Citizens Academy and I will recommend this city to all those I encounter, as a great place to Live, Work and Play.

A handwritten signature in black ink, appearing to read "Michael J. Johnson", with a large, stylized flourish at the end.

Michael J. Johnson

2179 Rushmore

Troy, MI 48083

April 3/09

To all the Men & Women

I want to thank you, when it came to 911 call, I line alone, and and I needed help. That shining Badge on the officer uniform I knew I would make it. till help came. You see my Son Phil who is now retired, would say upon the Troy Police will always be there when help is needed. Thanks again everyone have a good Day. You are doing a good job.

E. Grace Steele

OUR COMMUNICATIONS STAFF HANDLED THE CALL AND DISPATCHED CLAWSON POLICE OFFICERS,

TROY - COMMUNICATIONS SUPERVISOR KELLY PAGE
SERVICE AIDE JERILYN SIEMERS

CLAWSON - POLICE OFFICERS HAYNES & WITTE

#09-1039

P FILES
MGRS. OFF.

**Troy Youth Assistance Board Meeting
February 19, 2009 – Final Minutes**

Present: Leonette Ciepielowski, Robin Beltramini, Robin Lilly, George Zielinski, Ann Comiskey, Nancy Groves, Nancy Piotrowski, Daniella Youhan, Dale Zygnowicz, Mike Kerr, Paul Scobie.

Call to order: Leonette called the meeting to order at 6:00 p.m. All rose for the Pledge of Allegiance.

Minutes: Ann moved to approve the minutes of January 15, 2009. Robin B seconded with correction of U of M Dance Marathon; so moved.

Treasurer's Report: George Zielinski:

- George presented January, 2009 Treasurers Report. Robin B moved to approve report. Nancy P seconded; so moved.

Communications:

- Passed around Troy Times article on Kaleidoscope. Leonette thanked Paul, Ann and Steve Toth for their work on written press release regarding possible budget cuts.

Caseworker's Report:

- OCYA CHAIRPERSON'S MEETING-Many thanks to Leonette Ciepielowski who will be representing TYA at a meeting of local committee Chairpersons at the YA Central Office in Pontiac on February 24. Chairs and other volunteers will have the opportunity to network, share ideas, and meet with Oakland County Circuit Court Administrator Mr. Kevin Oeffener, who will present an overview of the Oakland County budget and its impact on Youth Assistance.
- COUNTY WIDE FAMILY EDUCATION EVENT-I have been a staff representative on the Oakland County YA Family Education Advisory Committee since 2005. On Thursday, May 7 the committee will be sponsoring an exciting program entitled "Say Yes To No" here at the Troy Schools Services Building. Intended audience will be Family Education Chairpersons, other interested volunteers, and key library personnel from throughout Oakland County. The evening will be based on a book by Dr. David Walsh called "NO-Why Kids of All Ages Need to Hear It and Ways Parents Can Say It."
- SUMMER CAMP- Brian Goul and myself will be meeting in the coming weeks to plan for TYA's 2009 Summer Camp Program. This will be on us before we know it; materials and applications should be ready in early April.
- CASEWORK-During January, eighteen new referrals came into TYA-sixteen from police and two from parents. Our caseload as of January 31, 2009 stood at 47-38 boys and 9 girls.

Executive Committee Report:

- Referred to committee reports below.

Committee Reports:

A. Camp/Skill Building: Brian Goul:

- Paul reiterated that he and Brian G. will be sitting down soon to work on applications.

B. Family Education:

- Leonette reported: Active Parenting Of Teens is in progress and doing well. "Teenage Sex At What Price" is coming up March 16, 2009 at the Troy Community Center.

C. Fundraising- Vacant:

D. Mentors Plus-Bruce Baxter:

- Received skating passes to Troy Sports Center which were provided to our two matches.

E. Membership- Nancy Piotrowski:

- Nancy presented Job Description changes, suggested to bring names to next months meeting for possible membership. Nancy talked about recent Non-Profit Network activities.

F. Publicity- :

- Kate Goodin has agreed to develop press releases for TYA and has given us a media contact list to be added to our Troy Police contacts.

E. Youth Involvement-

- Would like to get involved with a middle school project.

H. Youth Recognition-Committee

- Committee met yesterday (2-18) to rank and choose nominees for recognition. Event is scheduled for April 22, 2009 at Athens High School.

School Reports:

- Daniella reports that Athens High School Spirit Week is the third week of March; this year's charity will be a dance Marathon to benefit kids.

Old Business:

- Leonette attended Community Kaleidoscope on January 25, 2009 and said it went very well.
- Second Annual New Beginnings Scholarship deadline is coming up.

New Business:

- Leonette will be attending Chairpersons Meeting February 24 at YA Central Office.

Community Information From Organization/Agencies Liaisons:

- Robin B reports- Troy High School will be holding a Country Fiddlers concert.
- Ann Reports- Over one hundred youngsters will be honored at the Incredible Kids Ceremony which will be held March 5. Troy Community Coalition will be sponsoring Smoking Cessation classes beginning next month.
- Mike talked about a service project for troops serving in Iraq and Afghanistan.
- George reports that Chief Charles Craft will be retiring.

Adjourned: 7:08 pm

Next meeting will be March 19, 2009 @ 6:00 p.m.

Respectfully Submitted, Robin Lilly, Secretary



CITY COUNCIL REPORT

April 9, 2009

TO: John Szerlag, Interim City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Parks and Recreation Advisory Board Recommendation of Annual Budget

At the April 8, 2009 Parks and Recreation Advisory Board meeting, the following action was taken.

Resolution # PR-2009-04-05

Moved by: Fejes

Seconded by: Hauff

Whereas, the proposed Parks and Recreation budget has been reduced 12% or \$1,199,150.00 from the 2008-2009 budget,

Whereas, the proposed Aquatic Center budget (enterprise) has been reduced 1%, or \$3,220.00,

Whereas, the proposed Sylvan Glen Golf Course budget has been reduced 6%, or \$72,550.00 and the proposed Sanctuary Lake Golf Course budget has been reduced 3%, or \$10,910.00,

RESOLVED, the Parks and Recreation Advisory Board recommends City Council adopt the 2009-2010 budgets (Parks and Recreation, Aquatic Center, Golf Courses) and Capital Improvement budgets (Parks and Recreation, Aquatic Center, and Golf Courses) as presented.

Yes: All 6

No: None

MOTION CARRIED

defining technology.



April 5, 2009

Mr. Kirk Steudle, Director
Michigan Department of Transportation
Murray D. Van Wagoner Building
P.O. Box 30050
Lansing, MI 48909

RECEIVED

APR 06 2009

CITY OF TROY
CITY MANAGER'S OFFICE

Dear Mr. Steudle,

I am contacting you today on behalf of the Automation Alley Coordinating Council, the advisory board of the Automation Alley SmartZone™. The Council is a partnership between the cities of Rochester Hills, Southfield and Troy, Lawrence Technological University, Oakland University, Oakland County and Automation Alley, which promotes the growth of the technology industry in our region. The Council has passed a Resolution in support of the Troy/Birmingham Multi-Modal Transit Center (Center). This Center will play an important role in the region by providing a comprehensive regional transportation system that also will generate new jobs.

As our unique partnership works to diversify the region, we strive to grow clusters of technology companies within two state-designated certified technology parks and to provide a transparent bridge between our educational institutions and the private sector. Transportation is a critical element to the success of our mission.

The Center will be located in a brownfield-designated area of Maple and Coolidge Roads in the communities of Troy and Birmingham. The Center will utilize existing Amtrak rail infrastructure while providing a transfer point to SMART bus services, taxi and sedan connections within the Detroit Regional Mass Transit Plan. It will also create more transportation opportunities for patrons of the Oakland/Troy Airport.

The Automation Alley SmartZone™ Coordinating Council envisions a transportation "bridge" anchored by Lawrence Technological University to the south and Oakland University to the north, with bus lines providing a direct connection between them and the Transit Center. In this manner, students and the workforce will be directly connected to our educational and employment centers.

The Center is intended to improve the attractiveness, reliability, safety and economic efficiency of rail passenger service in the metropolitan Detroit region. Studies have shown that every \$1 invested in transit yields \$7 to \$8 in return. If critical funding and investment is not secured by June 2010, however, the project would be jeopardized as land donated for the Center will be returned to private ownership.

I hope that you will join the Council and other organizations, including the Southeast Michigan Council of Governments, Detroit Regional Mass Transit, Wayne County, ITT Technical Institute and the University of Michigan in supporting the Troy/Birmingham Multi-Modal Transit Center as the project moves closer to construction ahead of the June 2010 deadline.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Smith", written in a cursive style.

Douglas J. Smith
Chairman, Automation Alley SmartZone Coordinating Council

DJS/mg

cc: Paul Tait, Executive Director, SEMCOG
L. Brooks Patterson, Oakland County Executive
Tom Markus, City Manager, City of Birmingham
Louis Schilling, Mayor, City of Troy



CITY COUNCIL ACTION REPORT

April 14, 2009

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, Acting City Manager
John M. Lamerato, Assistant City Manager/Finance & Administration

SUBJECT: Transmittal of Proposed Fiscal Year 2009/10 Annual Budget

The proposed fiscal year 2009/10 budget is being submitted for City Council's review. The first 28 pages of the document provide a concise summary of the entire budget. City Council has established the following dates for budget study sessions: April 27, 2009 and May 4, 2009 at 7:30 PM in the City Council Board Room. May 11, 2009 will be the date of the public hearing and budget adoption.

The City's combined millage rate remains at 9.28 mills. To maintain the current tax rate of 9.28 mills, .07 mills were removed from the Capital Projects millage and added to the Refuse millage rate to cover its costs of operations.

The total City budget is \$149.5 million; this amount is a decrease of \$3.3 million or 2.2% from the previous year.

The General Fund budget decreased 3.7% to \$62.0 million. Undesignated General Fund reserves are anticipated to equal at least \$10.8 million or 17.5% of the recommended budget.

There is no utilization of General Fund Fund Balance to balance the budget.

Capital Project Funds totaling \$41.7 million are contained on pages 249-335 of the proposed budget.

We have reduced the full-time workforce by 24 positions to a very lean 443. Our full-time work force equates to 5.04 employees for every 1,000 Troy residents and 3.52 full-time City of Troy employees per 1,000 people who work here. The 24 positions that were reduced through attrition and lay-offs are as follows:

Department

Position

Building Inspection
Building Inspection
Building Inspection
Building Operations
City Clerk's Office
Community Affairs

Account Clerk I (2)
Electrical Inspector
Plan Examiner
Superintendent
Office Assistant I
Community Affairs Officer (2)

<u>Department</u>	<u>Position</u>
Engineering	Deputy City Engineer
Engineering	Civil Engineer
Engineering	Engineering Specialist
Engineering	Engineering Technician
Engineering	Inspector
Finance	Accountant
Library	Librarian I
Planning Department	Planner (2)
Police	Lieutenant (2)
Police	Sergeant (2)
Streets	Equipment Operators (3)

We will endeavor to maintain the same level of service for most functions by redistributing tasks amongst current employees and utilizing outside contractors. There will, however, be a reduction in the level of service for some programs.

Legal Considerations:

Section 8.2 of the City of Troy Charter requires a proposed budget for the next fiscal year be presented to City Council on or before the third Monday in April in each year.

Section 8.3 of the City of Troy Charter requires a Public Hearing on the budget shall be held before its final adoption, and notice of such public hearing shall be published at least one week in advance of the public hearing. The City Council shall, on or before the third Monday in May, adopt a budget for the ensuing fiscal year.

Policy Considerations:

The 2009/10 budget is a policy document based on the core products and outcomes adopted by City Council. Outcomes are intended to encompass the current style of the times as well as the future. City Council adopted wide-ranging outcomes in an attempt to provide flexibility for changes that impact the budget. The outcome statements are:

- Troy enhances the livability and safety of the community.
- Troy adds value to property through maintenance or upgrades to infrastructure and quality of life venues.
- Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.



CITY COUNCIL ACTION ITEM

Date April 16, 2009

TO: Mayor and City Council

FROM: John Szerlag, Acting City Manager
Lori Grigg Bluhm, City Attorney
Tonni L. Bartholomew, City Clerk

SUBJECT: City Council Absences

Background:

- City Council requested that the process of excusing City Council members be clarified and formalized.
- City Administration has reviewed the Open Meetings Act (OMA), City Charter, and Council's Rules of Procedure (Rules).
- The OMA requires that the minutes record the members present and the members absent.
- City Charter Sections 4.6 and 6.2 reference absences of Council members. Section 4.6 provides for excused absences for Council members with a confining illness or absence from Oakland County. However this provision is tied to compulsory attendance, there is no explicit authority to expand this provision to excuse Council member absences other than when there is a compulsory attendance action. The two referenced Charter Sections are as follows:

- Section 4.6 - Compulsory Attendance and Conduct at Meetings:

Any two or more members of the Council may by vote either request or compel the attendance of its members and other officers of the city at any meeting of the Council. Any member of the Council or other officer who when notified of such request for his attendance fails to attend such meeting for reasons other than confining illness or absence from Oakland County shall be deemed guilty of misconduct in office unless excused by the Council. The presiding officer shall enforce orderly conduct at meetings and any member of the Council or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

Any police officer designated by the presiding officer of the meeting shall serve as the Sergeant-at-Arms of the Council in the enforcement of the provisions of this section.

- Section 6.2 - Vacancies in Elective Office:

Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

- (d) If the officer shall absent himself continuously from the city for more than thirty consecutive days in any one year without the permission of the Council.
 - (e) In the case of any members of the Council, if such officer shall miss five consecutive regular meetings of the Council or twenty-five percent of such meetings in any fiscal year of the city, unless such absences shall be excused by the Council and the reason therefore entered in the proceedings of the Council at the time of each absence;
- Since there is no automatic provision for excusing absences within the Charter (other than those indicated in the case of compulsory attendance), Council may wish to establish a Rule in the Council's Rules of Procedure. Such a rule could formalize a procedure to excuse members. Additional requirements, such as the process for reporting an absence, and/ or the placement on the Agenda when the excuse is to be offered up for consideration, could be included into the rule. Additionally, Council may also define the circumstances that could qualify for an automatic excusal as long as the Rules were followed.
 - Council's Rules of Procedure comply with the requirements of the OMA. The Rules set forth an Agenda format for both Special and Regular meetings, including a Roll Call requirement. The format does not expressly include an agenda item where a member's absence could be considered for excusal. Such an item has been administratively included on the Agenda under (b) Roll Call. However, the Rules should be amended to explicitly provide for an opportunity to consider excusal of Council Members. This modification is a possible amendment which was intended to be brought forward at the next review of the Rules.
 - The amendment to the Rules, as provided in the Agenda booklet, is recommended for both Special and Regular meetings.
 - Rule 21. Council Absences, could be amended to include the recommended revision as 21 C, which would require re-numbering.

Options:

- Option one: **APPROVE** an amendment to the Council Rules of Procedure to provide for the excusing of Council members absent from a Council meeting.
- Option two: **REFER** the Section 6.2(e) to the Charter Revision Committee for consideration of additional amendment options.
- Option three: **TAKE NO ACTION.**

**PROPOSED MOTION TO AMEND COUNCIL RULES OF PROCEDURE TO INCLUDE A
PROCESS AND REASONS FOR EXCUSING ABSENCES OF COUNCIL MEMBERS AT
MEETINGS:**

Suggested Resolution

Resolution #2009-04-

Moved by

Seconded by

RESOLVED, That City Council **AMENDS** the Council Rules of Procedure with modification to the Rules as follows:

Rule 3. SPECIAL MEETINGS

D. ORDER OF BUSINESS

b) Roll Call

(a) Listing of Council Members

(b) Excuse Absent Council Members pursuant to Rule Number 21

ABSENCES AT COUNCIL MEETINGS. A

Rule 6. ORDER OF BUSINESS

4. Roll Call

(a) Listing of Council Members

(b) Excuse Absent Council Members pursuant to Rule Number 21

ABSENCES AT COUNCIL MEETINGS. A

Rule 21. ABSENCES AT COUNCIL MEETINGS

A. Council members unable to attend a Council meeting shall notify the City Manager, City Attorney or City Clerk of their absence in advance of the meeting and indicate the reason for the absence if requesting that the absence be excused.

B. The following absence of a Council member will be accepted and recorded as an automatic Excused Absence:

C. In the event of an absence of a Council Member at a meeting, the City Manager is directed to supply such absent Council Member with information about any special meetings that may have been scheduled.

Yes:

No:

**PROPOSED MOTION TO FORWARD SECTION 6.2(e) TO THE CHARTER REVISION
COMMITTEE FOR REVIEW AND POSSIBLE RECOMMENDATION:**

Suggested Resolution

Resolution #2009-04-

Moved by

Seconded by

RESOLVED, That City Council **FORWARDS** Section 6.2(e) to the Charter Revision Committee for consideration of additional amendment options.

Yes:

No:



CITY COUNCIL REPORT

DATE: April 15, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark F. Miller, Planning Director

SUBJECT: Council Comments Regarding City of Sterling Heights

Background

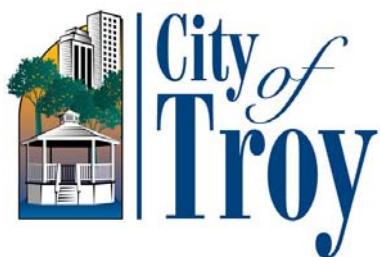
At the April 6, 2009 City Council meeting, council comments included a report of proactive measures used by the City of Sterling Heights to encourage and promote additional land uses. It was noted that flexible Zoning Ordinance requirements were adopted. Mark Miller, Troy Planning Director, contacted Don Mende, Sterling Heights City Planner, to investigate these new tools. Mr. Mende indicated that two Zoning Ordinance amendments were adopted to promote additional land uses. First, City of Sterling Heights amended their Zoning Ordinance by revising the Planned Unit Development (PUD) provisions to expand the land uses eligible for a PUD. Secondly, City of Sterling Heights amended their Zoning Ordinance to allow for Conditional Rezoning, pursuant to the Michigan Zoning Enabling Act.

Conclusion

City of Troy staff became aware of the Conditional Rezoning Enabling Legislation immediately upon adoption and signing by the Governor. City Management worked with the City Attorney's Office, the Planning Commission and City Council to implement Conditional Rezoning. Troy City Council adopted a Zoning Ordinance Text Amendment permitting Conditional Rezoning in July of 2006. Troy City Council approved three PUD's in the mid 2000's. City Management noted procedural and process difficulties with these 1999 PUD provisions. City Management and the City Attorney's office worked with Carlisle/Wortman Associates, Inc., the Planning Commission, and the development community to produce a comprehensive re-write of the PUD provisions. Besides streamlining the approval process, the new PUD provisions potentially permit all land uses at all locations throughout Troy. These PUD provisions were adopted in April of 2007. A total of seven projects utilized the City of Troy Conditional Rezoning and PUD development approval process since their adoption.

Prepared by MFM

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CITY COUNCIL REPORT

April 15, 2009

TO: John Szerlag, Interim City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Lathrup Village Time Bank

In follow-up to comments from Councilwoman Kerwin and Councilwoman Beltramini, I have researched the time bank program in Lathrup Village. This citizen driven program was begun approximately one year ago by Kim Hodge. Kim started this as a way to get to know her neighbors. She used information from TimeBanks USA to form the organization in Lathrup Village.

TimeBanks USA is a national organization that provides information, support, and resources to help start time-banks. Time banking is based on reciprocity. In fact, the mission of TimeBanks USA is "strengthening communities through reciprocity."

From its website, I found the following information about time banking:

"At its most basic level, Time banking is simply about spending an hour doing something for somebody in your community. That hour goes into the Time Bank as a Time Dollar. Then you have a Time dollar to spend on having someone doing something for you. It's a simple idea, but it has powerful ripple effects in building community connections.

With Time Banking, you will be working with a small group of committed individuals who are joined together for a common good. It connects you to the best in people because it creates a system that connects unmet needs with untapped resources. To see what happens each week when you are part of Time Bank is deeply fulfilling, especially if you are helping to make it run."

It is the hope of TimeBanks USA that time-banks create social change by changing the way the public sector addresses deep social problems our society faces. Those involved in Time Banks USA believe that there is a loss of human potential due to juvenile delinquency, drug use, difficulties earning a living, wage, a shortage of affordable housing and health care, the isolation and loneliness of senior citizens and so many other things. Time-banks offer a way out of these problems and a set of principles for addressing social challenges.

In Lathrup Village, there is no paid staff and no budget. Kim Hodge has spent 10-20 hours/week on this project since the start. According to Ms. Hodge, most time banks that have been sustained for a long period, have paid staff and a budget.

The Lathrup Village time bank is the only community time bank in Michigan.

When speaking to Ms. Hodge, she expressed the importance of people involved in the program to be passionate and inspired about the purpose of the program and that it takes time and effort to educate the community about how the program works and its value. Further, she stated that each time bank must decide its own mission and limitations. For example, in Lathrup village, there is no city financial support, no background checks conducted and no businesses, PTOs or other organizations involved. It truly is a neighbor to neighbor operation. Other time banks have hospitals, businesses and organizations involved.

The core values of time banking are:

- We are all assets.
- Some work is beyond price.
- Helping works better as a two-way street.
- We need each other.
- Respect demands accountability.

Programs such as SHARP, home chore, Troy People Concerned, etc. address some of the same things that time banks address however, there is no reciprocity involved. Most of these programs address a need when the person is unable to have the need addressed otherwise, usually due to financial limitations.

Certainly, a time-banking program could help create a sense of community in Troy. To start a time-bank the following would be needed:

- 1) A coordinator
- 2) A mission
- 3) Recruit and establishment of a core team:
 - a) Time bank Ambassador
 - b) Events coordinator
 - c) Web Master administrator
- 4) Recruitment of members
- 5) Software for member's time-bank

Should there be interest in forming a time bank in Troy, the city may be able to provide office space and other in-kind services to community members who wish to organize a program of this sort, however staff limitations and resources may prohibit the development of such a program being undertaken by City staff.